This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

+ *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.

+ *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.

+ *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.

+ *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at `http://books.google.com/`

Lit 2595.6

HARVARD COLLEGE
LIBRARY

BOUGHT WITH INCOME
FROM THE BEQUEST OF
HENRY LILLIE PIERCE
OF BOSTON
Under a vote of the President and Fellows
October 24, 1898

MR. JUSTICE DAVID J. BREWER.

(*Supreme Court of the United States.*)

EDITOR IN CHIEF.

MR. JUSTICE BREWER was appointed to the Supreme bench of the United States by President Harrison in December 1889. As a preparation for that exalted position, he had had an experience of more than a quarter of a century on the bench of lower courts, State and Federal. Beginning in 1862, he served as judge of the probate and criminal courts of Leavenworth County, Kansas; judge of the First District court of Kansas; justice of the Supreme Court of Kansas; and judge of the United States circuit court—a position from which he was promoted to the Supreme bench as the successor to Mr. Justice Matthews of Ohio.

Justice Brewer is the son of Rev. Josiah Brewer, who, as a missionary to Asia Minor, established the first English newspaper in Smyrna and first introduced American methods of education into the Turkish empire. His mother, a sister of Mr. Justice Field, accompanied his father to Asia Minor and, while they were residents of Smyrna, "David Josiah Brewer" was born there, June 20th, 1837. While he was still a child, his parents returned to America and he grew up in Connecticut. He was educated at the Wesleyan University, at Yale, and at the Albany Law School, studying also in the law office of his uncle, David Dudley Field. Among his classmates at Yale were Senator Chauncey M. Depew and Mr. Justice Brown of the supreme court. He is an LL. D. of Yale and several other universities, but he has the still higher honor of having found time to be president of a library association; chairman of a school board; superintendent of public schools; and president of the Kansas State Teachers' Association. Since his appointment to the Supreme bench of the United States, he has served as a member of the Venezuela Commission appointed by President Cleveland; and he is now a member of the British-Venezuela Arbitration Tribunal, selected by the two nations. He has done important educational work, notably as a member of the faculty of the Columbian Law School. His address "The Protection of Private Property Against Public Attack," delivered before the Yale Law School in 1891, attracted wide attention and excited an animated discussion.

OFFICIAL EDITION

THE World's Best Orations

FROM THE

EARLIEST PERIOD TO THE PRESENT TIME

DAVID J. BREWER

EDITOR

EDWARD A. ALLEN WILLIAM SCHUYLER

ASSOCIATE EDITORS

TEN VOLUMES

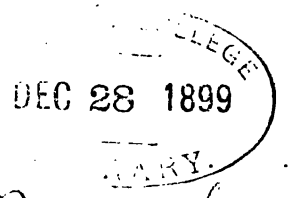
VOL. I.

ST. LOUIS CHICAGO

FERD. P. KAISER

1899

~~XH .3823~~
Lit 2595.6



Pierce fund.
I

Official Edition

SPECIAL, TESTIMONIAL, SET

Copyright 1899
BY
FERD. P. KAISER

All rights reserved

THE WERNER COMPANY
PRINTERS AND BINDERS
AKRON, OHIO

34-351
47

THE ADVISORY COUNCIL

THE RIGHT HON. SIR CHARLES WENTWORTH DILKE, Bart.,
Member of Parliament—Author of 'Greater Britain,' etc.,
London, England.

WILLIAM DRAPER LEWIS, PH. D.,
Dean of the Department of Law,
UNIVERSITY OF PENNSYLVANIA, Philadelphia.

WILLIAM P. TRENT, M. A.,
Dean of the Department of Arts and Sciences, and Professor of English and History, UNIVERSITY OF THE SOUTH, Sewanee, Tenn.

W. STUART SYMINGTON, JR., PH. D.,
Professor of the Romance Languages,
AMHERST COLLEGE, Amherst, Mass.

ALCÉE FORTIER, LIT. D.,
Professor of the Romance Languages,
TULANE UNIVERSITY, New Orleans, La.

WILLIAM VINCENT BYARS,
Journalist, St. Louis, Mo.

RICHARD GOTTHEIL, PH. D.,
Professor of Oriental Languages,
COLUMBIA UNIVERSITY, in the city of New York.

AUSTIN H. MERRILL, A. M.,
Professor of Elocution, VANDERBILT UNIVERSITY, Nashville, Tenn.

SHELDON JACKSON, D. D., LL. D.,
Bureau of Education, Washington, D. C.

A. MARSHALL ELLIOTT, PH. D., LL. D.,
Professor of the Romance Languages,
JOHNS HOPKINS UNIVERSITY, Baltimore, Md.

JOHN W. MILLION, A. M.,
President of HARDIN COLLEGE, Mexico, Mo.

J. RAYMOND BRACKETT, PH. D.,
Dean of the College of Liberal Arts, and Professor of Comparative Literature, UNIVERSITY OF COLORADO, Boulder, Colo.

WILLIAM F. PEIRCE, A.M., L.H.D.,
President of KENYON COLLEGE, Gambier, Ohio.

S. PLANTZ, PH. D., D. D.,
President of LAWRENCE UNIVERSITY, Appleton, Wis.

GEORGE TAYLOE WINSTON, LL. D.,
President of the UNIVERSITY OF TEXAS, Austin, Texas.

TABLE OF CONTENTS

VOL. I

	LIVED	PAGE
PREFACE		ix
JUSTICE DAVID J. BREWER		
THE ORATORY OF ANGLO-SAXON COUNTRIES		xiii
PROF. EDWARD A. ALLEN		
ABÉLARD, PIERRE	1079–1142	19
The Resurrection of Lazarus		
The Last Entry into Jerusalem		
The Divine Tragedy		
ADAMS, CHARLES FRANCIS	1807–1886	25
The States and the Union		
ADAMS, CHARLES FRANCIS, JUNIOR	1835–	31
The Battle of Gettysburg		
ADAMS, JOHN	1735–1826	38
Inaugural Address		
The Boston Massacre		
ADAMS, JOHN QUINCY	1767–1848	64
Oration at Plymouth		
Lafayette		
The Jubilee of the Constitution		
ADAMS, SAMUEL	1722–1803	93
American Independence		
ÆLRED	1109–1166	110
A Farewell		
A Sermon after Absence		
On Manliness		

	LIVED	PAGE
ÆSCHINES	389–314 B. C.	114
Against Crowning Demosthenes		
AIKEN, FREDERICK A.	1810–1878	119
Defense of Mrs. Mary E. Surratt		
ALBERT THE GREAT (ALBERTUS MAGNUS)	1205–1280	147
The Meaning of the Crucifixion		
The Blessed Dead		
ALLEN, ETHAN		150
A Call to Arms		
AMES, FISHER	1758–1808	155
On the British Treaty		
ANSELM, SAINT	1032–1109	168
The Sea of Life		
ARNOLD, THOMAS	1795–1842	172
The Realities of Life and Death		
ARTHUR, CHESTER ALAN	1830–1886	179
Inaugural Address		
ATHANASIUS	298–373	182
The Divinity of Christ		
AUGUSTINE, SAINT	354–430	187
The Lord's Prayer		
BACON, FRANCIS	1561–1626	197
Speech against Dueling		
BARBOUR, JAMES	1775–1842	209
Treaties as Supreme Laws		
BARNAVE, ANTOINE PIERRE JOSEPH MARIE	1761–1793	218
Representative Democracy against Majority Absolutism		
Commercial Politics		
BARROW, ISAAC	1630–1677	223
Slander		

	LIVED	PAGE
BASIL THE GREAT	329–379	234
On a Recreant Nun		
BAXTER, RICHARD	1615–1691	242
Unwillingness to Improve		
BAYARD, JAMES A.	1767–1815	248
The Federal Judiciary		
Commerce and Naval Power		
BAYARD, THOMAS F.	1828–1898	264
A Plea for Conciliation in 1876		
BEACONSFIELD, LORD	1804–1881	293
The Assassination of Lincoln		
Against Democracy for England		
The Meaning of "Conservatism"		
BEDE, THE VENERABLE	672–735	339
The Meeting of Mercy and Justice		
A Sermon for Any Day		
The Torments of Hell		
BEECHER, HENRY WARD	1813–1887	346
Raising the Flag over Fort Sumter		
Effect of the Death of Lincoln		
BELHAVEN, LORD	1656–1708	370
A Plea for the National Life of Scotland		
BELL, JOHN	1797–1869	383
Against Extremists, North and South		
Trans-Continental Railroads		
BENJAMIN, JUDAH P.	1811–1884	398
Farewell to the Union		
Slavery as Established by Law		

FULL-PAGE ILLUSTRATIONS

VOLUME I

	PAGE
Justice David J. Brewer (Portrait, Photogravure)	Frontispiece
Departure of the Pilgrim Fathers (Photogravure)	64
Mrs. Mary E. Surratt's House, Washington, D. C.	119
Red Room in the White House (Photogravure)	179
The Duel (Photogravure)	197
Lord Beaconsfield (Portrait)	293
Henry Ward Beecher (Portrait, Photogravure)	346
The Bruce Monument at Stirling Castle (Photogravure)	370

PREFACE

ORATORY is the masterful art. Poetry, painting, music, sculpture, architecture please, thrill, inspire; but oratory rules. The orator dominates those who hear him, convinces their reason, controls their judgment, compels their action. For the time being he is master. Through the clearness of his logic, the keenness of his wit, the power of his appeal, or that magnetic something which is felt and yet cannot be defined, or through all together, he sways his audience as the storm bends the branches of the forest. Hence it is that in all times this wonderful power has been something longed for and striven for. Demosthenes, on the beach, struggling with the pebbles in his mouth to perfect his articulation, has been the great example. Yet it is often true of the orator, as of the poet; *nascitur non fit.* Patrick Henry seemed to be inspired as «Give me liberty or give me death» rolled from his lips. The untutored savage has shown himself an orator.

Who does not delight in oratory? How we gather to hear even an ordinary speaker! How often is a jury swayed and controlled by the appeals of counsel! Do we not all feel the magic of the power, and when occasionally we are permitted to listen to a great orator how completely we lose ourselves and yield in willing submission to the imperious and impetuous flow of his speech! It is said that after Webster's great reply to Hayne every Massachusetts man walking down Pennsylvania Avenue seemed a foot taller.

This marvelous power is incapable of complete preservation on the printed page. The presence, the eye, the voice, the magnetic touch, are beyond record. The phonograph and kinetoscope may some day seize and perpetuate all save the magnetic touch, but that weird, illusive, indefinable yet wonderfully real power by which the orator subdues may never be caught by science or preserved for the

cruel dissecting knife of the critic. It is the marvelous light flashing out in the intellectual heavens which no Franklin has yet or may ever draw and tie to earth by string of kite.

But while there is a living something which no human art has yet been able to grasp and preserve, there is a wonderful joy and comfort in the record of that which the orator said. As we read we see the very picture, though inarticulate, of the living orator. We may never know all the marvelous power of Demosthenes, yet *Πρωτον, μὲγ, ὦ ἀνδρες Ἀθηναῖοι*, suggests something of it. Cicero's silver speech may never reach our ears, and yet who does not love to read *Quousque tandem abutere, O Catilina, patientia nostra?* So if on the printed page we may not see the living orator, we may look upon his picture — the photograph of his power. And it is this which it is the thought and purpose of this work to present. We mean to photograph the orators of the world, reproducing the words which they spake, and trusting to the vivid imagination of the thoughtful reader to put behind the recorded words the living force and power. In this we shall fill a vacant place in literature. There are countless books of poetry in which the gems of the great poets of the world have been preserved, but oratory has not been thus favored. We have many volumes which record the speeches of different orators, sometimes connected with a biography of their lives and sometimes as independent gatherings of speeches. We have also single books, like Goodrich's 'British Eloquence,' which give us partial selections of the great orations. But this is intended to be universal in its reach, a complete encyclopedia of oratory. The purpose is to present the best efforts of the world's greatest orators in all ages; and with this purpose kept in view as the matter of primary importance, to supplement the great orations with others that are representative and historically important — especially with those having a fundamental connection with the most important events in the development of Anglo-Saxon civilization. The greatest attention has been given to the representative orators of England and America, so that the work includes all that is most famous or most necessary to be known in the oratory of the Anglo-Saxon race. Wherever possible, addresses have been published *in extenso*. This has been the rule

followed in giving the great orations. In dealing with minor orators, the selections made are considerable enough to show the style, method, and spirit. Where it has been necessary to choose between two orations of equal merit, the one having the greater historical significance has been selected. Of course it would not be possible, keeping within reasonable limits, to give every speech of every one worthy to be called an orator. Indeed, the greatest of orators sometimes failed. So we have carefully selected only those speeches which manifest the power of eloquence; and this selection, we take pleasure in assuring our readers, has been made by the most competent critics of the country.

We have not confined ourselves to any one profession or field of eloquence. The pulpit, the bar, the halls of legislation, and the popular assembly have each and all been called upon for their best contributions. The single test has been, is it oratory? the single question, is there eloquence? The reader and student of every class will therefore find within these pages that which will satisfy his particular taste and desire in the matter of oratory.

As this work is designed especially for the American reader, we have deemed it proper to give prominence to Anglo-Saxon orators; and yet this prominence has not been carried so far as to make the work a one-sided collection. It is not a mere presentation of American or even of English-speaking orators. We submit the work to the American public in the belief that all will find pleasure, interest, and instruction in its pages, and in the hope that it will prove an inspiration to the growing generation to see to it that oratory be not classed among the "lost arts," but that it shall remain an ever-present and increasing power and blessing to the world.

David J. Brewer.

THE ORATORY OF ANGLO-SAXON COUNTRIES

BY EDWARD A. ALLEN

Professor of Anglo-Saxon and English Literature in the University of Missouri

ENGLISH-SPEAKING people have always been the freest people, the greatest lovers of liberty, the world has ever seen. Long before English history properly begins, the pen of Tacitus reveals to us our forefathers in their old home-land in North Germany beating back the Roman legions under Varus, and staying the progress of Rome's triumphant car whose mighty wheels had crushed Hannibal, Jugurtha, Vercingetorix, and countless thousands in every land. The Germanic ancestors of the English nation were the only people who did not bend the neck to these lords of all the world besides. In the year 9, when the Founder of Christianity was playing about his humble home at Nazareth, or watching his father at work in his shop, our forefathers dealt Rome a blow from which she never recovered. As Freeman, late professor of history at Oxford, said in one of his lectures: "In the blow by the Teutoburg wood was the germ of the Declaration of Independence, the germ of the surrender of Yorktown." Arminius was our first Washington, "*haud dubie liberator*," as Tacitus calls him,—the savior of his country.

When the time came for expansion, and our forefathers in the fifth century began the conquest and settlement of the island that was to become their New England, they pushed out the Celts, the native inhabitants of the island, just as their descendants, about twelve hundred years later, were to push out the indigenous people of this continent, to make way for a higher civilization, a larger destiny. No Englishman ever saw an armed Roman in England, and though traces of the Roman conquest may be seen everywhere in that country to-day, it is sometimes forgotten that it was the

Britain of the Celts, not the England of the English, which was held for so many centuries as a province of Rome.

The same love of freedom that resisted the Roman invasion in the first home of the English was no less strong in their second home, when Alfred with his brave yeomen withstood the invading Danes at Ashdown and Edington, and saved England from becoming a Danish province. It is true that the Normans, by one decisive battle, placed a French king on the throne of England, but the English spirit of freedom was never subdued; it rose superior to the conquerors of Hastings, and in the end English speech and English freedom gained the mastery.

The sacred flame of freedom has burned in the hearts of the Anglo-Saxon race through all the centuries of our history, and this spirit of freedom is reflected in our language and in our oratory. There never have been wanting English orators when English liberty seemed to be imperiled; indeed, it may be said that the highest oratory has always been coincident with the deepest aspirations of freedom.

It is said of Pitt,—the younger, I believe,—that he was fired to oratory by reading the speeches in Milton's 'Paradise Lost.' These speeches—especially those of Satan, the most human of the characters in this noble epic,—when analyzed and traced to their source, are neither Hebrew nor Greek, but English to the core. They are imbued with the English spirit, with the spirit of Cromwell, with the spirit that beat down oppression at Marston Moor, and ushered in a freer England at Naseby. In the earlier Milton of a thousand years before, whether the work of Cædmon or of some other English muse, the same spirit is reflected in Anglo-Saxon words. Milton's Satan is more polished, better educated, thanks to Oxford and Cambridge, but the spirit is essentially one with that of the ruder poet; and this spirit, I maintain, is English.

The dry annals of the Anglo-Saxon Chronicle are occasionally lighted up with a gleam of true eloquence, as in the description of the battle of Brunanburh, which breaks forth into a pean of victory. Under the year 991, there is mention of a battle at Maldon, between the English and the Danes, in which great heroism must have been

displayed, for it inspired at the time one of the most patriotic outbursts of song to be found in the whole range of English literature. During an enforced truce, because of a swollen stream that separated the two armies, a messenger is sent from the Danes to Byrhtnoth, leader of the English forces, with a proposition to purchase peace with English gold. Byrhtnoth, angry and resolute, gave him this answer:—

«Hearest thou, pirate, what this folk sayeth? They will give you spears for tribute, weapons that will avail you nought in battle. Messenger of the vikings, get thee back. Take to thy people a sterner message, that here stands a fearless earl, who with his band will defend this land, the home of Æthelred, my prince, folk and fold. Too base it seems to me that ye go without battle to your ships with our money, now that ye have come thus far into our country. Ye shall not so easily obtain treasure. Spear and sword, grim battle-play, shall decide between us ere we pay tribute.»

Though the battle was lost and Byrhtnoth slain, the spirit of the man is an English inheritance. It is the same spirit that refused ship-money to Charles I., and tea-money to George III.

The encroachments of tyranny and the stealthier step of royal prerogative have shrunk before this spirit which through the centuries has inspired the noblest oratory of England and America. It not only inspired the great orators of the mother country, it served at the same time as a bond of sympathy with the American colonies in their struggle for freedom. Burke, throughout his great speech on Conciliation, never lost sight of this idea:—

«This fierce spirit of liberty is stronger in the English colonies probably than in any other people of the earth. The people of the colonies are descendants of Englishmen. England, sir, is a nation which still, I hope, respects, and formerly adored, her freedom. The colonists emigrated from you when this part of your character was most predominant; and they took this bias and direction the moment they parted from your hands. They are therefore not only devoted to liberty, but to liberty according to English ideas and our English principles. . . . The temper and character which prevail in our colonies are, I am afraid, unalterable by any human art. We cannot, I fear, falsify the pedigree of this fierce people, and persuade them that they are not sprung from a nation in whose veins the blood of freedom circulates. The language in which they would hear you tell them this tale would detect the imposition; your speech would betray you. . . . In order to prove that Americans have no right to their liberties, we are every day endeavoring to subvert the maxims which preserve the whole spirit of our own. To prove

that the Americans ought not to be free, we are obliged to depreciate the value of freedom itself; and we never gain a paltry advantage over them in debate without attacking some of those principles, or deriding some of those feelings, for which our ancestors have shed their blood. . . . As long as you have the wisdom to keep the sovereign authority of this country as the sanctuary of liberty, the sacred temple consecrated to our common faith, wherever the chosen race and sons of England worship freedom they will turn their faces towards you. The more ardently they love liberty the more perfect will be their obedience. Slavery they can have anywhere — it is a weed that grows in every soil. They can have it from Spain; they may have it from Prussia. But until you become lost to all feeling of your true interest and your natural dignity, freedom they can have from none but you.»

So, too, in the speeches of Chatham, the great Commoner, whose eloquence has never been surpassed, an intense spirit of liberty, the animating principle of his life, shines out above all things else. Though opposed to the independence of the colonies, he could not restrain his admiration for the spirit they manifested:—

«The Americans contending for their rights against arbitrary exactions I love and admire. It is the struggle of free and virtuous patriots. . . . My Lords, you cannot conquer America. You may swell every expense and every effort still more extravagantly; pile and accumulate every assistance you can buy or borrow; traffic and barter with every pitiful little German prince that sells and sends his subjects to the shambles of a foreign prince; your efforts are forever vain and impotent. If I were an American as I am an Englishman, while a foreign troop was landed in my country I would never lay down my arms — never — never — never!»

Wherever the principle of Anglo-Saxon freedom and the rights of man have been at stake, the all-animating voice of the orator has kept alive the sacred flame. In the witenagemote of the earlier kings, in the parliament of the later kings, in the Massachusetts town-meeting and in the Virginia House of Burgesses, in the legislature of every State, and in the Congress of the United States, wherever in Anglo-Saxon countries the torch of liberty seemed to burn low, the breath of the orator has fanned it into flame. It fired the eloquence of Sheridan pleading against Warren Hastings for the down-trodden natives of India in words that have not lost their magnetic charm:—

«My Lords, do you, the judges of this land and the expounders of its rightful laws, do you approve of this mockery and call that the character of

justice which takes the form of right to execute wrong? No, my Lords, justice is not this halt and miserable object; it is not the ineffective bauble of an Indian pagoda; it is not the portentous phantom of despair; it is not like any fabled monster, formed in the eclipse of reason and found in some unhallowed grove of superstitious darkness and political dismay. No, my Lords! In the happy reverse of all this I turn from the disgusting caricature to the real image. Justice I have now before me, august and pure, the abstract ideal of all that would be perfect in the spirits and aspirings of men — where the mind rises; where the heart expands; where the countenance is ever placid and benign; where the favorite attitude is to stoop to the unfortunate, to hear their cry, and help them; to rescue and relieve, to succor and save; majestic from its mercy, venerable from its utility, uplifted without pride, firm without obduracy, beneficent in each preference, lovely though in her frown.»

This same spirit fired the enthusiasm of Samuel Adams and James Otis to such a pitch of eloquence that «every man who heard them went away ready to take up arms.» It inspired Patrick Henry to hurl his defiant alternative of «liberty or death» in the face of unyielding despotism. It inspired that great-hearted patriot and orator, Henry Clay, in the first quarter of this century, to plead, single-handed and alone, in the Congress of the United States, session after session before the final victory was won, for the recognition of the provinces of South America in their struggle for independence.

«I may be accused of an imprudent utterance of my feelings on this occasion. I care not: when the independence, the happiness, the liberty of a whole people is at stake, and that people our neighbors, our brethren, occupying a portion of the same continent, imitating our example, and participating in the same sympathies with ourselves, I will boldly avow my feelings and my wishes in their behalf, even at the hazard of such an imputation. I maintain that an oppressed people are authorized, whenever they can, to rise and break their fetters. This was the great principle of the English revolution. It was the great principle of our own. Spanish-America has been doomed for centuries to the practical effects of an odious tyranny. If we were justified, she is more than justified. I am no propagandist. I would not seek to force upon other nations our principles and our liberty, if they do not want them. But if an abused and oppressed people will their freedom; if they seek to establish it; if, in truth, they have established it. we have a right, as a sovereign power, to notice the fact, and to act as circumstances and our interest require. I will say in the language of the venerated father of my country, 'born in a land of liberty, my anxious recollections, my sympathetic feelings, and my best wishes, are irresistibly excited, whensoever, in any country, I see an oppressed nation unfurl the banners of freedom.'»

This same spirit loosed the tongue of Wendell Phillips to plead the cause of the enslaved African in words that burned into the hearts of his countrymen. It emboldened George William Curtis to assert the right to break the shackles of party politics and follow the dictates of conscience:—

«I know,—no man better,—how hard it is for earnest men to separate their country from their party, or their religion from their sect. But, nevertheless, the welfare of the country is dearer than the mere victory of party, as truth is more precious than the interest of any sect. You will hear this patriotism scorned as an impracticable theory, as the dream of a cloister, as the whim of a fool. But such was the folly of the Spartan Leonidas, staying with his three hundred the Persian horde, and teaching Greece the self-reliance that saved her. Such was the folly of the Swiss Arnold von Winkelried, gathering into his own breast the points of Austrian spears, making his dead body the bridge of victory for his countrymen. Such was the folly of the American Nathan Hale, gladly risking the seeming disgrace of his name, and grieving that he had but one life to give for his country. Such are the beacon-lights of a pure patriotism that burn forever in men's memories and answer each other through the illuminated ages.»

So long as there are wrongs to be redressed, so long as the strong oppress the weak, so long as injustice sits in high places, the voice of the orator will be needed to plead for the rights of man. He may not, at this stage of the republic, be called upon to sound a battle cry to arms, but there are bloodless victories to be won as essential to the stability of a great nation and the uplifting of its millions of people as the victories of the battlefield.

When the greatest of modern political philosophers, the author of the Declaration of Independence, urged that, if men were left free to declare the truth the effect of its great positive forces would overcome the negative forces of error, he seems to have hit the central fact of civilization. Without freedom of thought and absolute freedom to speak out the truth as one sees it, there can be no advancement, no high civilization. To the orator who has heard the call of humanity, what nobler aspiration than to enlarge and extend the freedom we have inherited from our Anglo-Saxon forefathers, and to defend the hope of the world?

Edward A. Allen

PIERRE ABÉLARD

(1079–1142)

ABÉLARD'S reputation for oratory and for scholarship was so great that he attracted hearers and disciples from all quarters. They encamped around him like an army and listened to him with such eagerness that the jealousy of some and the honest apprehension of others were excited by the boldness with which he handled religious subjects. He has been called the originator of modern rationalism, and though he was apparently worsted in his contest with his great rival, St. Bernard, he remains the most real and living personality among the great pulpit orators of the Middle Ages. This is due in large part, no doubt, to his connection with the unfortunate Héloise. That story, one of the most romantic, as it is one of the saddest of human history, must be passed over with a mere mention of the fact that it gave occasion for a number of the sermons of Abélard which have come down to us. Several of those were preached in the convent of the Paraclete of which Héloise became abbess,—where, in his old age, her former lover, broken with the load of a life of most extraordinary sorrows, went to die. These sermons do not suggest the fire and force with which young Abélard appealed to France, compelling its admiration even in exciting its alarm, but they prevent him from being a mere name as an orator.

He was born near Nantes, A. D. 1079. At his death in 1142, he was buried in the convent of the Paraclete, where the body of Héloise was afterwards buried at his side.

The extracts from his sermons here given were translated by Rev. J. M. Neale, of Sackville College, from the first collected edition of the works of Abélard, published at Paris in 1616. There are thirty-two such sermons extant. They were preached in Latin, or, at least, they have come down to us in that language.

THE RESURRECTION OF LAZARUS

THE Lord performed that miracle once for all in the body which much more blessedly he performs every day in the souls of penitents. He restored life to Lazarus, but it was a temporal life, one that would die again. He bestows life on the penitent; life, but it is life that will remain, world without end. The one is wonderful in the eyes of men; the other is far more wonderful in the judgment of the faithful; and in that it is so much the greater, by so much the more is it to be sought. This is written of Lazarus, not for Lazarus himself, but for us and to us. "Whatsoever things," saith the Apostle, "were written of old, were written for our learning." The Lord called Lazarus once, and he was raised from temporal death. He calls us often, that we may rise from the death of the soul. He said to him once, "Come forth!" and immediately he came forth at one command of the Lord. The Lord every day invites us by Scripture to confession, exhorts us to amendment, promises the life which is prepared for us by him who willeth not the death of a sinner. We neglect his call, we despise his invitation, we contemn his promise. Placed between God and the devil, as between a father and a foe, we prefer the enticement of the enemy to a father's warning. "We are not ignorant," says the Apostle, "of the devices of Satan," — the devices, I say, by which he induces us to sin, and keeps us back from repentance. Suggesting sin, he deprives us of two things by which the best assistance might be offered to us, namely, shame and fear. For that which we avoid, we avoid either through fear of some loss, or through the reverence of shame. . . . When, therefore, Satan impels any one to sin, he easily accomplishes the object, if, as we have said, he first deprives him of fear and shame. And when he has effected that, he restores the same things, but in another sense, which he has taken away; that so he may keep back the sinner from confession, and make him die in his sin. Then he secretly whispers into his soul: "Priests are light-minded, and it is a difficult thing to check the tongue. If you tell this or that to them, it cannot remain a secret; and when it shall have been published abroad, you will incur the danger of losing your good character, or bearing some injury, and being confounded from your own vileness." Thus the devil deceives that wretched man; he first takes from

him that by which he ought to avoid sin, and then restores the same thing, and by it retains him in sin. His captive fears temporal, and not spiritual, evil; he is ashamed before men and he despises God. He is ashamed that things should come to the knowledge of men which he was not ashamed to commit in the sight of God, and of the whole heavenly host. He trembles at the judgment of man, and he has no respect to that of God. Of which the Apostle says: "It is a fearful thing to fall into the hands of the living God"; and the Truth saith himself, "Fear not them that kill the body, and after that have no more that they can do; but fear him rather who can cast body and soul into hell."

There are diseases of the soul, as there are of the body; and therefore the Divine mercy has provided beforehand physicians for both. Our Lord Jesus Christ saith, "I came not to call the righteous, but sinners to repentance." His priests now hold his place in the Church, to whom, as unto physicians of the soul, we ought to confess our sins, that we may receive from them the plaister of satisfaction. He that fears the death of the body, in whatever part of the body he may suffer, however much he may be ashamed of the disease, makes no delay in revealing it to the physician, and setting it forth, so that it may be cured. However rough, however hard may be the remedy, he avoids it not, so that he may escape death. Whatever he has that is most precious, he makes no hesitation in giving it, if only for a little while he may put off the death of the body. What, then, ought we to do for the death of the soul? For this, however terrible, may be forever prevented, without such great labor, without such great expense. The Lord seeks us ourselves, and not what is ours. He stands in no need of our wealth who bestows all things. For it is he to whom it is said, "My goods are nothing unto thee." With him a man is by so much the greater, as, in his own judgment, he is less. With him a man is as much the more righteous, as in his own opinion he is the more guilty. In his eyes we hide our faults all the more, the more that here by confession we manifest them.

THE LAST ENTRY INTO JERUSALEM

"He came unto his own, and his own received him not." That is, he entered Jerusalem. Yet now he entered, not Jerusalem, which by interpretation is "The Vision of Peace," but the home of tyranny. For now the elders of the city have so manifestly conspired against him, that he can no longer find a place of refuge within it. This is not to be attributed to his helplessness but to his patience. He could be harbored there securely, seeing that no one can do him harm by violence, and that he has the power to incline the hearts of men whither he wills. For in that same city he freely did whatever he willed to do; and when he sent his disciples thither, and commanded them that they should loose the ass and the colt, and bring them to him, and said that no man would forbid them, he accomplished that which he said, although he was not ignorant of the conspiracy against himself. Of which he saith to his disciples whom he sends, "Go ye into the castle over against you"; that is, to the place which is equally opposed to God and to you; no longer to be called a city, an assembly of men living under the law, but a castle of tyrannical fortification. Go confidently, saith he, into the place, though such it is, and though it is therefore opposed to you, and do with all security that which I command you. Whence he adds, also: "And if any man say aught unto you, say that the Lord hath need of them, and he will straightway send them away." A wonderful confidence of power! As if the Lord, using his own right of command, lays his own injunction on those whom he knows already to have conspired for his death. Thus he commands, thus he enjoins, thus he compels obedience. Nor do they who are sent hesitate in accomplishing that which is laid upon them, confident as they are in the strength of the power of him who sends them. By that power they who were chiefly concerned in this conspiracy had been more than once ejected from the Temple, where many were not able to resist one. And they, too, after this ejection and conspiracy, as we have said, when he was daily teaching in the Temple, knew how intrepid he showed himself to be, into whose hands the Father had given all things. And last of all, when he desired to celebrate the Passover in the same night in which he had foreordained to be betrayed, he again sent his Disciples

whither he willed, and prepared a home for himself in the city itself, wherein he might keep the feast. He, then, who so often showed his power in such things as these, now also, if he had desired it, could have prepared a home wherever he would, and had no need to return to Bethany. Therefore, he did these two things intentionally: he showed that they whom he avoided were unworthy of his dwelling among them; and he gave himself, in the last hours of his life, to his beloved hosts, that they might have their own reception of him as the reward of their hospitality.

THE DIVINE TRAGEDY

WHETHER, therefore, Christ is spoken of as about to be crowned or about to be crucified, it is said that he "went forth"; to signify that the Jews, who were guilty of so great wickedness against him, were given over to reprobation, and that his grace would now pass to the vast extent of the Gentiles, where the salvation of the Cross, and his own exaltation by the gain of many peoples, in the place of the one nation of the Jews, has extended itself. Whence, also, to-day we rightly go forth to adore the Cross in the open plain; showing mystically that both glory and salvation had departed from the Jews, and had spread themselves among the Gentiles. But in that we afterwards returned (in procession) to the place whence we had set forth, we signify that in the end of the world the grace of God will return to the Jews; namely, when, by the preaching of Enoch and Elijah, they shall be converted to him. Whence the Apostle: "I would not, brethren, that ye should be ignorant of this mystery, that blindness in part has fallen upon Israel, until the fullness of the Gentiles shall be come, and so all Israel shall be saved." Whence the place itself of Calvary, where the Lord was crucified, is now, as we know, contained in the city; whereas formerly it was without the walls. "The crown wherewith his Mother crowned him in the day of his espousals, and in the day of the gladness of his heart." For thus kings are wont to exhibit their glory when they betroth queens to themselves, and celebrate the solemnities of their nuptials. Now the day of the Lord's crucifixion was, as it were, the day of his betrothal; because it was then that he associated the Church to himself as his bride, and

on the same day descended into Hell, and, setting free the souls of the faithful, accomplished in them that which he had promised to the thief: «Verily I say unto thee, to-day shalt thou be with me in Paradise.»

«To-day,» he says, of the gladness of his heart; because in his body he suffered the torture of pain; but while the flesh inflicted on him torments through the outward violence of men, his soul was filled with joy on account of our salvation, which he thus brought to pass. Whence, also, when he went forth to his crucifixion, he stilled the women that were lamenting him, and said, «Daughters of Jerusalem, weep not for me, but weep for yourselves and your children.» As if he said, «Grieve not for me in these my sufferings, as if by their means I should fall into any real destruction; but rather lament for that heavy vengeance which hangs over you and your children, because of that which they have committed against me.» So we, also, brethren, should rather weep for ourselves than for him; and for the faults which we have committed, not for the punishments which he bore. Let us so rejoice with him and for him, as to grieve for our own offenses, and for that the guilty servant committed the transgression, while the innocent Lord bore the punishment. He taught us to weep who is never said to have wept for himself, though he wept for Lazarus when about to raise him from the dead.

CHARLES FRANCIS ADAMS

(1807–1886)

THE son of one President of the United States and the grandson of another, Charles Francis Adams won for himself in his own right a position of prominence in the history of his times. He studied law in the office of Daniel Webster, and after beginning practice was drawn into public life by his election to the Massachusetts legislature in which he served from 1831 to 1838. A Whig in politics until the slavery issue became prominent, he was nominated for Vice-President on the Free Soil ticket with Van Buren in 1848. The Republican party which grew out of the Free Soil movement elected him to Congress as a representative of the third Massachusetts district in 1858 and re-elected him in 1860. In 1861 President Lincoln appointed him minister to England, and he filled with credit that place which had been filled by his father and grandfather before him. He died November 21st, 1886, leaving besides his own speeches and essays an edition of the works of John and John Quincy Adams in twenty-two volumes octavo.

THE STATES AND THE UNION

(Delivered in the House of Representatives, January 31st, 1861)

I CONFESS, Mr. Speaker, that I should be very jealous, as a citizen of Massachusetts, of any attempt on the part of Virginia, for example, to propose an amendment to the Constitution designed to rescind or abolish the bill of rights prefixed to our own form of government. Yet I cannot see why such a proposition would be more unjustifiable than any counter proposition to abolish slavery in Virginia, as coming from Massachusetts. If I have in any way succeeded in mastering the primary elements of our forms of government, the first and fundamental idea is, the reservation to the people of the respective States of every power of regulating their own affairs not specifically surrendered in the Constitution. The security of the State governments depends upon the fidelity with which this principle is observed.

Even the intimation of any such interference as I have mentioned by way of example could not be made in earnest without at once shaking the entire foundation of the whole confederated Union. No man shall exceed me in jealousy of affection for the State rights of Massachusetts. So far as I remember, nothing of this kind was ever thought of heretofore; and I see no reason to apprehend that what has not happened thus far will be more likely to happen hereafter. But if the time ever come when it does occur, I shall believe the dissolution of the system to be much more certain than I do at this moment.

For these reasons, I cannot imagine that there is the smallest foundation for uneasiness about the intentions of any considerable number of men in the free States to interfere in any manner whatever with slavery in the States, much less by the hopeless mode of amending the Constitution. To me it looks like panic, pure panic. How, then, is it to be treated? Is it to be neglected or ridiculed? Not at all. If a child in the nursery be frightened by the idea of a spectre, common humanity would prompt an effort by kindness to assuage the alarm. But in cases where the same feeling pervades the bosoms of multitudes of men, this imaginary evil grows up at once into a gigantic reality, and must be dealt with as such. It is at all times difficult to legislate against a possibility. The committee have reported a proposition intended to meet this case. It is a form of amendment of the Constitution which, in substance, takes away no rights whatever which the free States ever should attempt to use, whilst it vests exclusively in the slave States the right to use them or not, as they shall think proper, the whole treatment of the subject to which they relate being conceded to be a matter of common interest to them, exclusively within their jurisdiction, and subject to their control. A time may arrive, in the course of years, when they will themselves desire some act of interference in a friendly and beneficent spirit. If so, they have the power reserved to them of initiating the very form in which it would be most welcome. If not, they have a security, so long as this government shall endure, that no sister State shall dictate any change against their will.

I have now considered all the alleged grievances which have thus far been brought to our attention. 1. The personal liberty laws, which never freed a slave. 2. Exclusion from a Territory which slaveholders will never desire to occupy. 3. Apprehension

of an event which will never take place. For the sake of these three causes of complaint, all of them utterly without practical result, the slaveholding States, unquestionably the weakest section of this great Confederacy, are voluntarily and precipitately surrendering the realities of solid power woven into the very texture of a government that now keeps nineteen million freemen, willing to tolerate, and, in one sense, to shelter, institutions which, but for that, would meet with no more sympathy among them than they now do in the remainder of the civilized world.

For my own part, I must declare that, even supposing these alleged grievances to be more real than I represent them, I think the measures of the committee dispose of them effectually and forever. They contribute directly all that can be legitimately done by Congress, and they recommend it to the legislatures of the States to accomplish the remainder. Why, then, is it that harmony is not restored? The answer is, that you are not satisfied with this settlement, however complete. You must have more guarantees in the Constitution. You must make the protection and extension of slavery in the Territories now existing, and hereafter to be acquired, a cardinal doctrine of our great charter. Without that, you are determined to dissolve the Union. How stands the case, then? We offer to settle the question finally in all of the present territory that you claim, by giving you every chance of establishing slavery that you have any right to require of us. You decline to take the offer, because you fear it will do you no good. Slavery will not go there. But, if that be true, what is the use of asking for the protection anyhow, much less in the Constitution? Why require protection where you will have nothing to protect? All you appear to desire it for is New Mexico. Nothing else is left. Yet, you will not accept New Mexico at once, because ten years of experience have proved to you that protection has been of no use thus far. But, if so, how can you expect that it will be of so much more use hereafter as to make it worth dissolving the Union?

But, if we pass to the other condition, is it any more reasonable? Are we going to fight because we cannot agree upon the mode of disposing of our neighbor's lands? Are we to break up the Union of these States, cemented by so many years of common sufferings, and resplendent with so many years of common glory, because it is insisted that we should incorporate into what we regard as the charter of our freedom a proclamation to the

civilized world that we intend to grasp the territory of other nations whenever we can do it, for the purpose of putting into it certain institutions which some of us disapprove, and that, too, whether the people inhabiting that territory themselves approve of it or not?

I am almost inclined to believe that they who first contrived this demand must have done so for the sake of presenting a condition which they knew beforehand must be rejected, or which, if accepted, must humiliate us in the dust forever. In point of fact, this proposal covers no question of immediate moment which may not be settled by another and less obnoxious one. Why is it, then, persevered in, and the other rejected? The answer is obvious. You want the Union dissolved. You want to make it impossible for honorable men to become reconciled. If it be, indeed, so, then on you, and you alone, shall rest the responsibility of what may follow. If the Union be broken up, the reason why it happened shall remain on record forever. It was because you rejected one form of settling a question which might be offered and accepted with honor, in order to insist upon another which you knew we could not accept without disgrace. I answer for myself only when I say that, if the alternative to the salvation of the Union be only that the people of the United States shall, before the Christian nations of the earth, print in broad letters upon the front of their charter of republican government the dogma of slave propagandism over the remainder of the countries of the world, I will not consent to brand myself with what I deem such disgrace, let the consequences be what they may.

But it is said that this answer closes the door of reconciliation. The slaveholding States will secede, and what then?

This brings me to the last point which I desire to touch today, the proper course for the government to pursue in the face of these difficulties. Some of the friends with whom I act have not hesitated to express themselves in favor of coercion; and they have drawn very gloomy pictures of the fatal consequences to the prosperity and security of the whole Union that must ensue. For my own sake, I am glad that I do not partake so largely in these fears. I see no obstacle to the regular continuance of the government in not less than twenty States, and perhaps more, the inhabitants of which have not in a moment been deprived of that peculiar practical wisdom in the management

of their affairs which is the secret of their past success. Several new States will, before long, be ready to take their places with us, and make good, in part, the loss of the old ones. The mission of furnishing a great example of free government to the nations of the earth will still be in our hands, impaired, I admit, but not destroyed; and I doubt not our power to accomplish it yet, in spite of the temporary drawback. Even the problem of coercion will go on to solve itself without our aid. For if the sentiment of disunion become so far universal and permanent in the dissatisfied States as to show no prospect of good from resistance, and there be no acts of aggression attempted on their part, I will not say that I may not favor the idea of some arrangement of a peaceful character, though I do not now see the authority under which it can be originated. The new Confederacy can scarcely be other than a secondary Power. It can never be a maritime State. It will begin with the necessity of keeping eight millions of its population to watch four millions, and with the duty of guarding, against the egress of the latter, several thousand miles of an exposed border, beyond which there will be no right of reclamation. Of the ultimate result of a similar experiment, I cannot, in my own mind, have a moment's doubt. At the last session I ventured to place on record, in this House, a prediction by which I must abide, let the effect of the future on my sagacity be what it may. I have not yet seen any reason to doubt its accuracy. I now repeat it. The experiment will ignominiously fail.

But there are exceptions to the adoption of this peaceful policy which it will not be wise to overlook. If there be violent and wanton attacks upon the persons or the property of the citizens of the United States or of their government, I see not how demands for immediate redress can be avoided. If any interruptions should be attempted of the regular channels of trade on the great water-courses or on the ocean, they cannot long be permitted. And if any considerable minorities of citizens should be persecuted or proscribed on account of their attachment to the Union, and should call for protection, I cannot deny the obligation of this government to afford it. There are persons in many of the States whose patriotic declarations and honorable pledges of support of the Union may bring down upon them more than the ill-will of their infatuated fellow-citizens. It would be impossible for the people of the United States to look upon

any proscription of them with indifference. These are times which should bring together all men, by whatever party name they may have been heretofore distinguished, upon common ground.

When I heard the gentlemen from Virginia the other day so bravely and so forcibly urging their manly arguments in support of the Union, the Constitution, and the enforcement of the laws, my heart involuntarily bounded towards them as brethren sacredly engaged in a common cause. Let them, said I to myself, accept the offered settlement of the differences that remain between us, on some fair basis like that proposed by the committee, and then, what is to prevent us all, who yet believe that the Union must be preserved, from joining heart and hand our common forces to effect it? When the cry goes out that the ship is in danger of sinking, the first duty of every man on board, no matter what his particular vocation, is to lend all the strength he has to the work of keeping her afloat. What! shall it be said that we waver in the view of those who begin by trying to expunge the sacred memory of the fourth of July? Shall we help them to obliterate the associations that cluster around the glorious struggle for independence, or stultify the labors of the patriots who erected this magnificent political edifice upon the adamantine base of human liberty? Shall we surrender the fame of Washington and Laurens, of Gadsden and the Lees, of Jefferson and Madison, and of the myriads of heroes whose names are imperishably connected with the memory of a united people? Never, never!

CHARLES FRANCIS ADAMS, JUNIOR

CHARLES FRANCIS ADAMS, JR., son of Charles Francis Adams, keeps up the tradition of his family so well that, unless it is John Adams himself, no other member of the family surpasses him as an orator. He was born in Boston, May 27th, 1835; graduating at Harvard and studying law in the office of R. H. Dana, Jr. His peaceful pursuits were interrupted by the Civil War which he entered a first lieutenant, coming out a brevet-brigadier general. He was a chief of squadron in the Gettysburg campaign and served in Virginia afterwards. He was for six years president of the Union Pacific railroad and is well known both as a financier and as an author. The address on the Battle of Gettysburg is generally given as his masterpiece, but he has delivered a number of other orations of high and well-sustained eloquence.

THE BATTLE OF GETTYSBURG

(Delivered at Quincy, Mass., July 4th, 1869)

SIX years ago this anniversary, we, and not only we who stood upon the sacred and furrowed field of battle, but you and our whole country, were drawing breath after the struggle of Gettysburg. For three long days we had stood the strain of conflict, and now, at last, when the nation's birthday dawned, the shattered rebel columns had suddenly withdrawn from our front, and we drew that long breath of deep relief which none have ever drawn who have not passed in safety through the shock of doubtful battle. Nor was our country gladdened then by news from Gettysburg alone. The army that day twined noble laurel garlands round the proud brow of the motherland. Vicksburg was, thereafter, to be forever associated with the Declaration of Independence, and the glad anniversary rejoicings, as they rose from every town and village and city of the loyal North, mingled with the last sullen echoes that died away from our cannon over Cemetery Ridge, and were answered by glad shouts of victory from the far Southwest. To all of us of this generation,—and especially to such of us as were ourselves part

of those great events,—this celebration, therefore, now has and must ever retain a special significance. It belonged to us, as well as to our fathers. As upon this day ninety-three years ago this nation was brought into existence through the efforts of others, so upon this day six years ago I am disposed to believe, through our own efforts, it dramatically touched the climax of its great argument.

The time that has since elapsed enables us now to look back and to see things in their true proportions. We begin to realize that the years we have so recently passed through, though we did not appreciate it at the time, were the heroic years of American history. Now that their passionate excitement is over, it is pleasant to dwell upon them; to recall the rising of a great people; the call to arms as it boomed from our hilltops and clashed from our steeples; the eager patriotism of that fierce April which kindled new sympathies in every bosom, which caused the miser to give freely of his wealth, the wife with eager hands to pack the knapsack of her husband, and mothers, with eyes glistening with tears of pride, to look out upon the shining bayonets of their boys; then came the frenzy of impatience and the defeat entailed upon us by rashness and inexperience, before our nation settled down, solidly and patiently, to its work, determined to save itself from destruction; and then followed the long weary years of doubt and mingled fear and hope, until at last that day came six years ago which we now celebrate—the day which saw the flood tide of rebellion reach the high-water mark, whence it never after ceased to recede. At the moment, probably, none of us, either at home or at the seat of war, realized the grandeur of the situation, the dramatic power of the incidents, or the Titanic nature of the conflict. To you who were at home, mothers, fathers, wives, sisters, brothers, citizens of the common country, if nothing else, the agony of suspense, the anxiety, the joy, and, too often, the grief which was to know no end, which marked the passage of those days, left little either of time or inclination to dwell upon aught save the horrid reality of the drama. To others who more immediately participated in those great events, the daily vexations and annoyances—the hot and dusty day—the sleepless, anxious night—the rain upon the unsheltered bivouac—the dead lassitude which succeeded the excitement of action—the cruel orders which recognized no fatigue and made no allowance for

labors undergone — all these small trials of the soldier's life made it possible to but few to realize the grandeur of the drama in which they were playing a part. Yet we were not wholly oblivious of it. Now and then I come across strange evidences of this in turning over the leaves of the few weather-stained, dog-eared volumes which were the companions of my life in camp. The title page of one bears witness to the fact that it was my companion at Gettysburg, and in it I recently found some lines of Browning's noble poem of 'Saul' marked and altered to express my sense of our situation, and bearing date upon this very fifth of July. The poet had described in them the fall of snow in the springtime from a mountain, under which nestled a valley; the altering of a few words made them well describe the approach of our army to Gettysburg.

"Fold on fold, all at once, we crowded thundrously down to your feet;
And there fronts you, stark black but alive yet, your army of old
With its rents, the successive bequeathing of conflicts untold.
Yea, each harm got in fighting your battles, each furrow and scar
Of its head thrust twixt you and the tempest — all hail, here we are."

And there we were, indeed, and then and there was enacted such a celebration as I hope may never again be witnessed there or elsewhere on another fourth of July. Even as I stand here before you, through the lapse of years and the shifting experiences of the recent past, visions and memories of those days rise thick and fast before me. We did, indeed, crowd thundrously down to their feet. Of the events of those three terrible days I may speak with feeling and yet with modesty, for small, indeed, was the part which those with whom I served were called upon to play. When those great bodies of infantry drove together in the crash of battle, the clouds of cavalry which had hitherto covered up their movements were swept aside to the flanks. Our work for the time was done, nor had it been an easy or a pleasant work. The road to Gettysburg had been paved with our bodies and watered with our blood. Three weeks before, in the middle days of June, I, a captain of cavalry, had taken the field at the head of one hundred mounted men, the joy and pride of my life. Through twenty days of almost incessant conflict the hand of death had been heavy upon us, and now, upon

the eve of Gettysburg, thirty-four of the hundred only remained, and our comrades were dead on the field of battle, or languishing in hospitals, or prisoners in the hands of the enemy. Six brave young fellows we had buried in one grave where they fell on the heights of Aldie. It was late on the evening of the first of July, that there came to us rumors of heavy fighting at Gettysburg, nearly forty miles away. The regiment happened then to be detached, and its orders for the second were to move in the rear of Sedgwick's corps and see that no man left the column. All that day we marched to the sound of the cannon. Sedgwick, very grim and stern, was pressing forward his tired men, and we soon saw that for once there would be no stragglers from the ranks. As the day grew old and as we passed rapidly up from the rear to the head of the hurrying column, the roar of battle grew more distinct, until at last we crowned a hill, and the contest broke upon us. Across the deep valley, some two miles away, we could see the white smoke of the bursting shells, while below the sharp incessant rattle of the musketry told of the fierce struggle that was going on. Before us ran the straight, white, dusty road, choked with artillery, ambulances, caissons, ammunition trains, all pressing forward to the field of battle, while mixed among them, their bayonets gleaming through the dust like wavelets on a river of steel, tired, foot-sore, hungry, thirsty, begrimed with sweat and dust, the gallant infantry of Sedgwick's corps hurried to the sound of the cannon as men might have flocked to a feast. Moving rapidly forward, we crossed the brook which ran so prominently across the map of the field of battle, and halted on its further side to await our orders. Hardly had I dismounted from my horse when, looking back, I saw that the head of the column had reached the brook and deployed and halted on its other bank, and already the stream was filled with naked men shouting with pleasure as they washed off the sweat of their long day's march. Even as I looked, the noise of the battle grew louder, and soon the symptoms of movement were evident. The rappel was heard, the bathers hurriedly clad themselves, the ranks were formed, and the sharp, quick snap of the percussion caps told us the men were preparing their weapons for action. Almost immediately a general officer rode rapidly to the front of the line, addressed to it a few brief, energetic words, the short sharp order to move by the flank was given, followed immediately by

the "double-quick"; the officer placed himself at the head of the column, and that brave infantry which had marched almost forty miles since the setting of yesterday's sun,—which during that day had hardly known either sleep, or food, or rest, or shelter from the July heat,—now, as the shadows grew long, hurried forward on the run to take its place in the front of battle and to bear up the reeling fortunes of the day.

It is said that at the crisis of Solferino, Marshal McMahon appeared with his corps upon the field of battle, his men having run for seven miles. We need not go abroad for examples of endurance and soldierly bearing. The achievement of Sedgwick and the brave Sixth Corps, as they marched upon the field of Gettysburg on that second day of July, far excels the vaunted efforts of the French Zouaves.

Twenty-four hours later we stood on that same ground. Many dear friends had yielded up their young lives during the hours which had elapsed, but, though twenty thousand fellow-creatures were wounded or dead around us, though the flood gates of heaven seemed opened and the torrents fell upon the quick and the dead, yet the elements seemed electrified with a certain magic influence of victory, and as the great army sank down over-wearied in its tracks it felt that the crisis and danger was passed,—that Gettysburg was immortal.

May I not, then, well express the hope that never again may we or ours be called upon so to celebrate this anniversary? And yet now that the passionate hopes and fears of those days are all over,—now that the grief which can never be forgotten is softened and modified by the soothing hand of time,—now that the distracting doubts and untold anxieties are buried and almost forgotten,—we love to remember the gathering of the hosts, to hear again in memory the shock of battle, and to wonder at the magnificence of the drama. The passion and the excitement are gone, and we can look at the work we have done and pronounce upon it. I do not fear the sober second judgment. Our work was a great work,—it was well done, and it was done thoroughly. Some one has said, "Happy is the people which has no history." Not so! As it is better to have loved and lost than never to have loved at all, so it is better to have lived greatly, even though we have suffered greatly, than to have passed a long life of inglorious ease. Our generation,—yes, we ourselves have been a part of great things. We have suffered

greatly and greatly rejoiced; we have drunk deep of the cup of joy and of sorrow; we have tasted the agony of defeat, and we have supped full with the pleasures of victory. We have proved ourselves equal to great deeds, and have learnt what qualities were in us, which in more peaceful times we ourselves did not suspect.

And, indeed, I would here in closing fain address a few words to such of you, if any such are here, who like myself may have been soldiers during the War of the Rebellion. We should never more be partisans. We have been a part of great events in the service of the common country, we have worn her uniform, we have received her pay and devoted ourselves to the death, if need be, in her service. When we were blackened by the smoke of Antietam, we did not ask or care whether those who stood shoulder to shoulder beside us, whether he who led us, whether those who sustained us, were Democrats or Republicans, conservatives or radicals; we asked only that they might prove as true as was the steel we grasped, and as brave as we ourselves would fain have been. When we stood like a wall of stone vomiting fire from the heights of Gettysburg,—nailed to our position through three long days of mortal Hell,—did we ask each other whether that brave officer who fell while gallantly leading the counter-charge—whether that cool gunner steadily serving his piece before us amid the storm of shot and shell—whether the poor wounded, mangled, gasping comrades, crushed and torn, and dying in agony around us—had voted for Lincoln or Douglas, for Breckenridge or Bell? We then were full of other thoughts. We prized men for what they were worth to the common country of us all, and recked not of empty words. Was the man true, was he brave, was he earnest, was all we thought of then; —not, did he vote or think with us, or label himself with our party name? This lesson let us try to remember. We cannot give to party all that we once offered to country, but our duty is not yet done. We are no longer, what we have been, the young guard of the Republic; we have earned an exemption from the dangers of the field and camp, and the old musket or the crossed sabres hang harmless over our winter fires, never more to be grasped in these hands henceforth devoted to more peaceful labors; but the duties of the citizen, and of the citizen who has received his baptism in fire, are still incumbent upon us. Though young in years, we should remember that hence-

forth, and as long as we live in the land, we are the ancients,—the veterans of the Republic. As such, it is for us to protect in peace what we preserved in war; it is for us to look at all things with a view to the common country and not to the exigencies of party politics; it is for us ever to bear in mind the higher allegiance we have sworn, and to remember that he who has once been a soldier of the motherland degrades himself forever when he becomes the slave of faction. Then at last, if through life we ever bear these lessons freshly in mind, will it be well for us, will it be well for our country, will it be well for those whose names we bear, that our bones also do not molder with those of our brave comrades beneath the sods of Gettysburg, or that our graves do not look down on the swift-flowing Mississippi from the historic heights of Vicksburg?

JOHN ADAMS

(1735–1826)

JOHN ADAMS, second President of the United States, was not a man of the strong emotional temperament which so often characterizes the great orator. He was fitted by nature for a student and scholar rather than to lead men by the direct appeal the orator makes to their emotions, their passions, or their judgment. His inclinations were towards the Church; but after graduating from Harvard College, which he entered at the age of sixteen, he had a brief experience as a school-teacher and found it so distasteful to him that he adopted the law as a relief, without waiting to consult his inclinations further. «Necessity drove me to this determination,» he writes, «but my inclination was to preach.» He began the practice of law in his native village of Braintree, Massachusetts, and took no prominent part in public affairs until 1765, when he appeared as counsel for the town of Boston in proceedings growing out of the Stamp Act difficulties.

From this time on, his name is constantly associated with the great events of the Revolution. That he never allowed his prejudices as a patriot to blind him to his duties as a lawyer, he showed by appearing as counsel for the British soldiers who killed Crispus Attucks, Samuel Gray, and others, in the Boston riot of 1770. He was associated in this case with Josiah Quincy, and the two distinguished patriots conducted the case with such ability that the soldiers were acquitted—as no doubt they should have been.

Elected a member of the Continental Congress, Mr. Adams did work in it which identified him in an enduring way with the formative period of republican institutions in America. This must be remembered in passing upon his acts when as President, succeeding Washington, he is brought into strong contrast with the extreme republicans of the French school. In the Continental Congress, contrasted with English royalists and conservatives Mr. Adams himself appeared an extremist, as later on, under the same law of contrast, he appeared conservative when those who were sometimes denounced as «Jacobins» and «Levellers» were fond of denouncing him as a disguised royalist.

Prior to his administration as President, he had served as commissioner to the court of France, «Minister Plenipotentiary for the

Purpose of Negotiating a Treaty of Peace and Commerce with Great Britain»; commissioner to conclude a treaty with the States-General of Holland; minister to England after the conclusion of peace, and finally as Vice-President under Washington. His services in every capacity in which he was engaged for his country showed his great ability and zeal; but in the struggle over the Alien and Sedition Laws his opponents gave him no quarter and when he retired from the Presidency it was with the feeling, shared to some extent by his great opponent Jefferson, that republics never have a proper regard for the services and sacrifices of statesmen, though they are only too ready to reward military heroes beyond their deserts. The author of 'Familiar Letters on Public Affairs' writes of Mr. Adams:—

«He was a man of strong mind, great learning, and eminent ability to use knowledge both in speech and writing. He was ever a firm believer in Christianity, not from habit and example but from a diligent investigation of its proofs. He had an uncompromising regard for his own opinion and was strongly contrasted with Washington in this respect. He seemed to have supposed that his opinions could not have been corrected by those of other men or bettered by any comparison.»

It might be inferred from this that Mr. Adams was as obstinate in prejudice as in opinion, but as he had demonstrated to the contrary in taking the unpopular cause of the British soldiers at the beginning of his public career, he showed it still more strikingly by renewing and continuing until his death a friendship with Jefferson which had been interrupted by the fierce struggle over the Alien and Sedition Act.

INAUGURAL ADDRESS

(March 4th, 1797)

WHEN it was first perceived, in early times, that no middle course for America remained, between unlimited submission to a foreign legislature and a total independence of its claims, men of reflection were less apprehensive of danger from the formidable powers of fleets and armies they must determine to resist, than from those contests and dissensions which would certainly arise concerning the forms of government to be instituted over the whole and over the parts of this extensive country. Relying, however, on the purity of their intentions, the justice of their cause, and the integrity and intelligence of the people, under an over-ruling Providence, which

had so signally protected this country from the first, the representatives of this nation, then consisting of little more than half its present numbers, not only broke to pieces the chains which were forging, and the rod of iron that was lifted up, but frankly cut asunder the ties which had bound them, and launched into an ocean of uncertainty.

The zeal and ardor of the people during the Revolutionary War, supplying the place of government, commanded a degree of order, sufficient, at least, for the temporary preservation of society. The confederation, which was early felt to be necessary, was prepared from the models of the Bavarian and Helvetic confederacies, the only examples which remain, with any detail and precision, in history, and certainly the only ones which the people at large had ever considered. But, reflecting on the striking difference, in so many particulars, between this country and those where a courier may go from the seat of government to the frontier in a single day, it was then certainly foreseen by some who assisted in Congress at the formation of it, that it could not be durable.

Negligence of its regulations, inattention to its recommendations, if not disobedience to its authority, not only in individuals but in States, soon appeared with their melancholy consequences—universal languor, jealousies, rivalries of States, decline of navigation and commerce, discouragement of necessary manufactures, universal fall in the value of lands and their produce, contempt of public and private faith, loss of consideration and credit with foreign nations; and, at length, in discontents, animosities, combinations, partial conventions, and insurrection, threatening some great national calamity.

In this dangerous crisis, the people of America were not abandoned by their usual good sense, presence of mind, resolution, or integrity. Measures were pursued to concert a plan to form a more perfect union, establish justice, ensure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty. The public disquisitions, discussions, and deliberations issued in the present happy constitution of government.

Employed in the service of my country abroad during the whole course of these transactions, I first saw the Constitution of the United States in a foreign country. Irritated by no literary altercation, animated by no public debate, heated by no party

animosity, I read it with great satisfaction, as the result of good heads, prompted by good hearts; as an experiment better adapted to the genius, character, situation, and relations of this nation and country than any which had ever been proposed or suggested. In its general principles and great outlines, it was conformable to such a system of government as I had ever most esteemed, and in some States, my own native State in particular, had contributed to establish. Claiming a right of suffrage common with my fellow-citizens in the adoption or rejection of a constitution, which was to rule me and my posterity, as well as them and theirs, I did not hesitate to express my approbation of it on all occasions, in public and in private. It was not then, nor has been since, any objection to it, in my mind, that the Executive and Senate were not more permanent. Nor have I entertained a thought of promoting any alteration in it, but such as the people themselves, in the course of their experience, should see and feel to be necessary or expedient, and by their representatives in Congress and the State legislature, according to the constitution itself, adopt and ordain.

Returning to the bosom of my country, after a painful separation from it for ten years, I had the honor to be elected to a station under the new order of things; and I have repeatedly laid myself under the most serious obligations to support the constitution. The operation of it has equaled the most sanguine expectations of its friends; and from an habitual attention to it, satisfaction in its administration, and delight in its effects upon the peace, order, prosperity, and happiness of the nation, I have acquired an habitual attachment to it, and veneration for it.

What other form of government, indeed, can so well deserve our esteem and love?

There may be little solidity in an ancient idea that congregations of men into cities and nations are the most pleasing objects in the sight of superior intelligences; but this is very certain, that to a benevolent human mind there can be no spectacle presented by any nation more pleasing, more noble, majestic, or august, than an assembly like that which has so often been seen in this and the other chamber of Congress — of a government in which the executive authority, as well as that of all the branches of the legislature, are exercised by citizens selected at regular periods by their neighbors, to make and execute laws for the general good. Can any thing essential, any thing more than

mere ornament and decoration be added to this by robes or diamonds? Can authority be more amiable or respectable when it descends from accident or institutions established in remote antiquity than when it springs fresh from the hearts and judgments of an honest and enlightened people? For it is the people that are represented; it is their power and majesty that is reflected, and only for their good, in every legitimate government, under whatever form it may appear. The existence of such a government as ours for any length of time is a full proof of a general dissemination of knowledge and virtue throughout the whole body of the people. And what object of consideration more pleasing than this can be presented to the human mind? If natural pride is ever justifiable or excusable, it is when it springs, not from power or riches, grandeur or glory, but from conviction of national innocence, information, and benevolence.

In the midst of these pleasing ideas, we should be unfaithful to ourselves if we should ever lose sight of the danger to our liberties—if anything partial or extraneous should infect the purity of our free, fair, virtuous, and independent elections. If an election is to be determined by a majority of a single vote, and that can be procured by a party through artifice or corruption, the government may be the choice of a party, for its own ends, not of the nation for the national good. If that solitary suffrage can be obtained by foreign nations by flattery or menaces, by fraud or violence, by terror, intrigue, or venality, the government may not be the choice of the American people, but of foreign nations. It may be foreign nations who govern us, and not we, the people, who govern ourselves; and candid men will acknowledge that, in such cases, choice would have little advantage to boast of over lot or chance.

Such is the amiable and interesting system of government (and such are some of the abuses to which it may be exposed) which the people of America have exhibited to the admiration and anxiety of the wise and virtuous of all nations for eight years, under the administration of a citizen, who, by a long course of great actions, regulated by prudence, justice, temperance, and fortitude, conducting a people inspired with the same virtues, and animated with the same ardent patriotism and love of liberty, to independence and peace, to increasing wealth and unexampled prosperity, has merited the gratitude of his fellow-

citizens, commanded the highest praises of foreign nations, and secured immortal glory with posterity.

In that retirement, which is his voluntary choice, may he long live to enjoy the delicious recollection of his services — the gratitude of mankind; the happy fruits of them to himself and the world, which are daily increasing, and that splendid prospect of the future fortunes of his country, which is opening from year to year. His name may be still a rampart and the knowledge that he lives a bulwark against all open or secret enemies of his country's peace.

This example has been recommended to the imitation of his successors, by both houses of Congress, and by the voice of the legislatures and the people, throughout the nation.

On this subject it might become me better to be silent, or to speak with diffidence; but as something may be expected, the occasion, I hope, will be admitted as an apology, if I venture to say, that if a preference upon principle, of a free republican government, formed upon long and serious reflection, after a diligent and impartial inquiry after truth; if an attachment to the Constitution of the United States, and a conscientious determination to support it, until it shall be altered by the judgments and wishes of the people, expressed in the mode prescribed in it; if a respectful attention to the constitution of the individual States, and a constant caution and delicacy towards the State governments; if an equal and impartial regard to the rights, interests, honor, and happiness of all the States in the Union, without preference or regard to a northern or southern, eastern or western position, their various political opinions on essential points, or their personal attachments; if a love of virtuous men, of all parties and denominations; if a love of science or letters and a wish to patronize every rational effort to encourage schools, colleges, universities, academies, and every institution of propagating knowledge, virtue, and religion among all classes of people, not only for their benign influence on the happiness of life, in all its stages and classes, and of society in all its forms, but as the only means of preserving our constitution from its natural enemies, the spirit of sophistry, the spirit of party, the spirit of intrigue, profligacy, and corruption, and the pestilence of foreign influence, which is the angel of destruction to elective governments, if a love of equal laws, of justice and humanity, in the interior administration; if an inclination to improve agriculture,

commerce, and manufactures for necessity, convenience, and defense; if a spirit of equity and humanity towards the aboriginal nations of America, and a disposition to ameliorate their condition by inclining them to be more friendly to us, and our citizens to be more friendly to them; if an inflexible determination to maintain peace and inviolable faith with all nations, and the system of neutrality and impartiality among the belligerent powers of Europe which has been adopted by the government, and so solemnly sanctioned by both houses of Congress, and applauded by the legislatures of the States and by public opinion, until it shall be otherwise ordained by Congress; if a personal esteem for the French nation, formed in a residence of seven years chiefly among them, and a sincere desire to preserve the friendship, which has been so much for the honor and interest of both nations; if, while the conscious honor and integrity of the people of America and the internal sentiment of their own power and energies must be preserved, an earnest endeavor to investigate every just cause, and remove every colorable pretense of complaint; if an intention to pursue, by amicable negotiation, a reparation for the injuries that have been committed on the commerce of our fellow-citizens, by whatever nation; and, if success cannot be obtained, to lay the facts before the legislature, that they may consider what further measures the honor and interest of the government and its constituents demand; if a resolution to do justice, as far as may depend upon me, at all times and to all nations, and maintain peace, friendship, and benevolence with all the world; if an unshaken confidence in the honor, spirit, and resources of the American people, on which I have so often hazarded my all, and never been deceived; if elevated ideas of the high destinies of this country, and of my own duties towards it, founded on a knowledge of the moral principles and intellectual improvements of the people, deeply engraven on my mind in early life, and not obscured, but exalted, by experience and age; and with humble reverence, I feel it my duty to add, if a veneration for the religion of the people who profess and call themselves Christians, and a fixed resolution to consider a decent respect for Christianity among the best recommendations for the public service, can enable me, in any degree, to comply with your wishes, it shall be my strenuous endeavor that this sagacious injunction of the two houses shall not be without effect.

With this great example before me — with the sense and spirit, the faith and honor, the duty and interest of the same American people, pledged to support the Constitution of the United States, I entertain no doubt of its continuance in all its energy; and my mind is prepared, without hesitation, to lay myself under the most solemn obligations to support it to the utmost of my power.

And may that Being who is supreme over all, the patron of order, the fountain of justice, and the protector, in all ages of the world, of virtuous liberty, continue his blessing upon this nation and its government, and give it all possible success and duration, consistent with the ends of his providence!

THE BOSTON MASSACRE

(First Day's Speech in Defense of the British Soldiers Accused of Murdering Attucks, Gray and Others, in the Boston Riot of 1770)

May It Please Your Honor, and You, Gentlemen of the Jury: —

I AM for the prisoners at the bar, and shall apologize for it only in the words of the Marquis Beccaria: —

"If I can but be the instrument of preserving one life, his blessings and tears of transport shall be a sufficient consolation for me for the contempt of all mankind."

As the prisoners stand before you for their lives, it may be proper to recollect with what temper the law requires we should proceed to this trial. The form of proceeding at their arraignment has discovered that the spirit of the law upon such occasions is conformable to humanity, to common sense and feeling; that it is all benignity and candor. And the trial commences with the prayer of the court, expressed by the clerk, to the Supreme Judge of judges, empires, and worlds, "God send you a good deliverance."

We find in the rules laid down by the greatest English judges, who have been the brightest of mankind: We are to look upon it as more beneficial that many guilty persons should escape unpunished than one innocent should suffer. The reason is, because it is of more importance to the community that innocence should be protected than it is that guilt should be punished; for guilt and crimes are so frequent in the world that all

of them cannot be punished; and many times they happen in such a manner that it is not of much consequence to the public whether they are punished or not. But when innocence itself is brought to the bar and condemned, especially to die, the subject will exclaim, «It is immaterial to me whether I behave well or ill, for virtue itself is no security.» And if such a sentiment as this should take place in the mind of the subject, there would be an end to all security whatsoever. I will read the words of the law itself.

The rules I shall produce to you from Lord Chief-Justice Hale, whose character as a lawyer, a man of learning and philosophy, and a Christian, will be disputed by nobody living; one of the greatest and best characters the English nation ever produced. His words are these:—

(2 H. H. P. C.): *Tutius semper est errare, in acquietando quam in puniendo, ex parte misericordiæ quam ex parte justitiæ.*—«It is always safer to err in acquitting than punishing, on the part of mercy than the part of justice.»

The next is from the same authority, 305:—

Tutius erratur ex parte mitiori.—«It is always safer to err on the milder side, the side of mercy.»

(H. H. P. C. 509): «The best rule in doubtful cases is rather to incline to acquittal than conviction.»

And on page 300:—

Quod dubitas, ne feceris.—«Where you are doubtful, never act; that is, if you doubt of the prisoner's guilt, never declare him guilty.»

This is always the rule, especially in cases of life. Another rule from the same author, 289, where he says:—

«In some cases presumptive evidences go far to prove a person guilty, though there is no express proof of the fact to be committed by him; but then it must be very warily expressed, for it is better five guilty persons should escape unpunished than one innocent person should die.»

The next authority shall be from another judge of equal character, considering the age wherein he lived; that is, Chancellor Fortescue in 'Praise of the Laws of England,' page 59.

This is a very ancient writer on the English law. His words are:—

"Indeed, one would rather, much rather, that twenty guilty persons escape punishment of death, than one innocent person be condemned and suffer capitally."

Lord Chief-Justice Hale says:—

"It is better five guilty persons escape, than one innocent person suffer."

Lord Chancellor Fortescue, you see, carries the matter further, and says:—

"Indeed, one had rather, much rather, that twenty guilty persons should escape than one innocent person suffer capitally."

Indeed, this rule is not peculiar to the English law; there never was a system of laws in the world in which this rule did not prevail. It prevailed in the ancient Roman law, and, which is more remarkable, it prevails in the modern Roman law. Even the judges in the Courts of Inquisition, who with racks, burnings, and scourges examine criminals,—even there they preserve it as a maxim, that it is better the guilty should escape punishment than the innocent suffer. *Satius esse nocentem absolvi quam innocentem damnari.* This is the temper we ought to set out with, and these the rules we are to be governed by. And I shall take it for granted, as a first principle, that the eight prisoners at the bar had better be all acquitted, though we should admit them all to be guilty, than that any one of them should, by your verdict, be found guilty, being innocent.

I shall now consider the several divisions of law under which the evidence will arrange itself.

The action now before you is homicide; that is, the killing of one man by another. The law calls it homicide; but it is not criminal in all cases for one man to slay another. Had the prisoners been on the Plains of Abraham and slain a hundred Frenchmen apiece, the English law would have considered it as a commendable action, virtuous and praiseworthy; so that every instance of killing a man is not a crime in the eye of the law. There are many other instances which I cannot enumerate—an officer that executes a person under sentence of death, etc. So that, gentlemen, every instance of one man's killing another is

not a crime, much less a crime to be punished with death. But to descend to more particulars.

The law divides homicide into three branches; the first is "justifiable," the second "excusable," and the third "felonious." Felonious homicide is subdivided into two branches; the first is murder, which is killing with malice aforethought; the second is manslaughter, which is killing a man on a sudden provocation. Here, gentlemen, are four sorts of homicide; and you are to consider whether all the evidence amounts to the first, second, third, or fourth of these heads. The fact was the slaying five unhappy persons that night. You are to consider whether it was justifiable, excusable, or felonious; and if felonious, whether it was murder or manslaughter. One of these four it must be. You need not divide your attention to any more particulars. I shall, however, before I come to the evidence, show you several authorities which will assist you and me in contemplating the evidence before us.

I shall begin with justifiable homicide. If an officer, a sheriff, execute a man on the gallows, draw and quarter him, as in case of high treason, and cut off his head, this is justifiable homicide. It is his duty. So also, gentlemen, the law has planted fences and barriers around every individual; it is a castle round every man's person, as well as his house. As the love of God and our neighbor comprehends the whole duty of man, so self-love and social comprehend all the duties we owe to mankind; and the first branch is self-love, which is not only our indisputable right, but our clearest duty. By the laws of nature, this is interwoven in the heart of every individual. God Almighty, whose law we cannot alter, has implanted it there, and we can annihilate ourselves as easily as root out this affection for ourselves. It is the first and strongest principle in our nature. Justice Blackstone calls it "The primary canon in the law of nature." That precept of our holy religion which commands us to love our neighbor as ourselves does not command us to love our neighbor better than ourselves, or so well. No Christian divine has given this interpretation. The precept enjoins that our benevolence to our fellow-men should be as real and sincere as our affection to ourselves, not that it should be as great in degree. A man is authorized, therefore, by common sense and the laws of England, as well as those of nature, to love himself better than his fellow-subject. If two persons are cast away at sea, and get on a

plank (a case put by Sir Francis Bacon), and the plank is insufficient to hold them both, the one has a right to push the other off to save himself. The rules of the common law, therefore, which authorize a man to preserve his own life at the expense of another's, are not contradicted by any divine or moral law. We talk of liberty and property, but if we cut up the law of self-defense, we cut up the foundations of both; and if we give up this, the rest is of very little value, and therefore this principle must be strictly attended to; for whatsoever the law pronounces in the case of these eight soldiers will be the law to other persons and after ages. All the persons that have slain mankind in this country from the beginning to this day had better have been acquitted than that a wrong rule and precedent should be established.

I shall now read to you a few authorities on this subject of self-defense. Foster, 273 (in the case of justifiable self-defense):

"The injured party may repel force with force in defense of person, habitation, or property, against one who manifestly intendeth and endeavoreth with violence or surprise to commit a known felony upon either. In these cases he is not obliged to retreat, but may pursue his adversary till he finds himself out of danger; and if in a conflict between them he happeneth to kill, such killing is justifiable."

I must entreat you to consider the words of this authority. The injured person may repel force by force against any who endeavoreth to commit any kind of felony on him or his. Here the rule is, I have a right to stand on my own defense, if you intend to commit felony. If any of the persons made an attack on these soldiers, with an intention to rob them, if it was but to take their hats feloniously, they had a right to kill them on the spot, and had no business to retreat. If a robber meet me in the street and command me to surrender my purse, I have a right to kill him without asking any questions. If a person commit a bare assault on me, this will not justify killing; but if he assault me in such a manner as to discover an intention to kill me, I have a right to destroy him, that I may put it out of his power to kill me. In the case you will have to consider, I do not know there was any attempt to steal from these persons; however, there were some persons concerned who would, probably enough, have stolen, if there had been anything to

steal, and many were there who had no such disposition. But this is not the point we aim at. The question is, Are you satisfied the people made the attack in order to kill the soldiers? If you are satisfied that the people, whoever they were, made that assault with a design to kill or maim the soldiers, this was such an assault as will justify the soldiers killing in their own defense. Further, it seems to me, we may make another question, whether you are satisfied that their real intention was to kill or maim, or not? If any reasonable man in the situation of one of these soldiers would have had reason to believe in the time of it, that the people came with an intention to kill him, whether you have this satisfaction now or not in your own minds, they were justifiable, at least excusable, in firing. You and I may be suspicious that the people who made this assault on the soldiers did it to put them to flight, on purpose that they might go exulting about the town afterwards in triumph; but this will not do. You must place yourselves in the situation of Weems and Killroy — consider yourselves as knowing that the prejudice of the world about you thought you came to dragoon them into obedience, to statutes, instructions, mandates, and edicts, which they thoroughly detested — that many of these people were thoughtless and inconsiderate, old and young, sailors and landsmen, negroes and mulattoes — that they, the soldiers, had no friends about them, the rest were in opposition to them; with all the bells ringing to call the town together to assist the people in King Street, for they knew by that time that there was no fire; the people shouting, huzzaing, and making the mob whistle, as they call it, which, when a boy makes it in the street is no formidable thing, but when made by a multitude is a most hideous shriek, almost as terrible as an Indian yell; the people crying, "Kill them, kill them. Knock them over," heaving snowballs, oyster shells, clubs, white-birch sticks three inches and a half in diameter; consider yourselves in this situation, and then judge whether a reasonable man in the soldiers' situation would not have concluded they were going to kill him. I believe if I were to reverse the scene, I should bring it home to our own bosoms. Suppose Colonel Marshall when he came out of his own door and saw these grenadiers coming down with swords, etc., had thought it proper to have appointed a military watch; suppose he had assembled Gray and Attucks that were killed, or any other person in town, and appointed them in that

situation as a military watch, and there had come from Murray's barracks thirty or forty soldiers with no other arms than snowballs, cakes of ice, oyster shells, cinders, and clubs, and attacked this military watch in this manner, what do you suppose would have been the feelings and reasonings of any of our householders? I confess, I believe they would not have borne one-half of what the witnesses have sworn the. soldiers bore, till they had shot down as many as were necessary to intimidate and disperse the rest; because the law does not oblige us to bear insults to the danger of our lives, to stand still with such a number of people around us, throwing such things at us, and threatening our lives, until we are disabled to defend ourselves.

(Foster, 274): «Where a known felony is attempted upon the person, be it to rob or murder, here the party assaulted may repel force with force, and even his own servant, then attendant on him, or any other person present, may interpose for preventing mischief, and if death ensue, the party so interposing will be justified. In this case nature and social duty co-operate.»

Hawkins, P. C., Chapter 28, Section 25, towards the end:—«Yet it seems that a private person, *a fortiori*, an officer of justice, who happens unavoidably to kill another in endeavoring to defend himself from or suppress dangerous rioters, may justify the fact in as much as he only does his duty in aid of the public justice.»

Section 24:—«And I can see no reason why a person, who, without provocation, is assaulted by another, in any place whatsoever, in such a manner as plainly shows an intent to murder him, as by discharging a pistol, or pushing at him with a drawn sword, etc., may not justify killing such an assailant, as much as if he had attempted to rob him. For is not he who attempts to murder me more injurious than he who barely attempts to rob me? And can it be more justifiable to fight for my goods than for my life?»

And it is not only highly agreeable to reason that a man in such circumstances may lawfully kill another, but it seems also to be confirmed by the general tenor of our books, which, speaking of homicide *se defendo*, suppose it done in some quarrel or affray.

(Hawkins, p. 71, § 14); «And so, perhaps, the killing of dangerous rioters may be justified by any private persons, who cannot otherwise suppress them or defend themselves from them, inasmuch as every

private person seems to be authorized by the law to arm himself for the purposes aforesaid.»

Here every private person is authorized to arm himself; and on the strength of this authority I do not deny the inhabitants had a right to arm themselves at that time for their defense, not for offense. That distinction is material, and must be attended to.

(Hawkins, p. 75, § 14): «And not only he who on an assault retreats to the wall, or some such strait, beyond which he can go no further before he kills the other, is judged by the law to act upon unavoidable necessity; but also he who being assaulted in such a manner and in such a place that he cannot go back without manifestly endangering his life, kills the other without retreating at all.»

(Section 16): «And an officer who kills one that insults him in the execution of his office, and where a private person that kills one who feloniously assaults him in the highway, may justify the fact without ever giving back at all.»

There is no occasion for the magistrate to read the riot act. In the case before you, I suppose you will be satisfied when you come to examine the witnesses and compare it with the rules of the common law, abstracted from all mutiny acts and articles of war, that these soldiers were in such a situation that they could not help themselves. People were coming from Royal Exchange Lane, and other parts of the town, with clubs and cord-wood sticks; the soldiers were planted by the wall of the Custom-house; they could not retreat; they were surrounded on all sides, for there were people behind them as well as before them; there were a number of people in the Royal Exchange Lane; the soldiers were so near to the Customhouse that they could not retreat, unless they had gone into the brick wall of it. I shall show you presently that all the party concerned in this unlawful design were guilty of what any one of them did; if anybody threw a snowball it was the act of the whole party; if any struck with a club or threw a club, and the club had killed anybody, the whole party would have been guilty of murder in the law. Lord Chief-Justice Holt, in Mawgrige's case (Keyling, 128), says:—

«Now, it has been held, that if A of his malice prepense assaults B to kill him, and B draws his sword and attacks A and pursues him, then A, for his safety, gives back and retreats to a wall, and B

still pursuing him with his drawn sword, A in his defense kills B; this is murder in A. For A having malice against B, and in pursuance thereof endeavoring to kill him, is answerable for all the consequences of which he was the original cause. It is not reasonable for any man that is dangerously assaulted, and when he perceives his life in danger from his adversary, but to have liberty for the security of his own life, to pursue him that maliciously assaulted him; for he that has manifested that he has malice against another is not fit to be trusted with a dangerous weapon in his hand. And so resolved by all the judges when they met at Seargeant's Inn, in preparation for my Lord Morley's trial."

In the case here we will take Montgomery, if you please, when he was attacked by the stout man with a stick, who aimed it at his head, with a number of people round him crying out, "Kill them, kill them." Had he not a right to kill the man? If all the party were guilty of the assault made by the stout man, and all of them had discovered malice in their hearts, had not Montgomery a right, according to Lord Chief-Justice Holt, to put it out of their power to wreak their malice upon him? I will not at present look for any more authorities in the point of self-defense; you will be able to judge from these how far the law goes in justifying or excusing any person in defense of himself, or taking away the life of another who threatens him in life or limb. The next point is this: that in case of an unlawful assembly, all and every one of the assembly is guilty of all and every unlawful act committed by any one of that assembly in prosecution of the unlawful design set out upon.

Rules of law should be universally known, whatever effect they may have on politics; they are rules of common law, the law of the land; and it is certainly true, that wherever there is an unlawful assembly, let it consist of many persons or of a few, every man in it is guilty of every unlawful act committed by any one of the whole party, be they more or be they less, in pursuance of their unlawful design. This is the policy of the law; to discourage and prevent riots, insurrections, turbulence, and tumults.

In the continual vicissitudes of human things, amidst the shocks of fortune and the whirls of passion that take place at certain critical seasons, even in the mildest government, the people are liable to run into riots and tumults. There are Church-quakes and State-quakes in the moral and political world,

as well as earthquakes, storms, and tempests in the physical. Thus much, however, must be said in favor of the people and of human nature, that it is a general, if not a universal truth, that the aptitude of the people to mutinies, seditions, tumults, and insurrections, is in direct proportion to the despotism of the government. In governments completely despotic,—that is, where the will of one man is the only law, this disposition is most prevalent. In aristocracies next; in mixed monarchies, less than either of the former; in complete republics the least of all, and under the same form of governments as in a limited monarchy, for example, the virtue and wisdom of the administrations may generally be measured by the peace and order that are seen among the people. However this may be, such is the imperfection of all things in this world, that no form of government, and perhaps no virtue or wisdom in the administration, can at all times avoid riots and disorders among the people.

Now, it is from this difficulty that the policy of the law has framed such strong discouragements to secure the people against tumults; because, when they once begin, there is danger of their running to such excesses as will overturn the whole system of government. There is the rule from the reverend sage of the law, so often quoted before:—

(1 H. H. P. C. 437): «All present, aiding and assisting, are equally principal with him that gave the stroke whereof the party died. For though one gave the stroke, yet in interpretation of law it is the stroke of every person that was present, aiding and assisting.»

(1 H. H. P. C. 440): «If divers come with one assent to do mischief, as to kill, to rob or beat, and one doeth it, they are all principals in the felony. If many be present and one only give the stroke whereof the party dies, they are all principal, if they came for that purpose.»

Now, if the party at Dock Square came with an intention only to beat the soldiers, and began to affray with them, and any of them had been accidentally killed, it would have been murder, because it was an unlawful design they came upon. If but one does it they are all considered in the eye of the law guilty; if any one gives the mortal stroke, they are all principals here, therefore there is a reversal of the scene. If you are satisfied that these soldiers were there on a lawful design, and it should

be proved any of them shot without provocation, and killed anybody, he only is answerable for it.

(First Hale's Pleas of the Crown, 1 H. H. P. C. 444): «Although if many come upon an unlawful design, and one of the company kill one of the adverse party in pursuance of that design, all are principals; yet if many be together upon a lawful account, and one of the company kill another of the adverse party, without any particular abetment of the rest to this fact of homicide, they are not all guilty that are of the company, but only those that gave the stroke or actually abetted him to do it.»

(1 H. H. P. C. 445): «In case of a riotous assembly to rob or steal deer, or to do any unlawful act of violence, there the offense of one is the offense of all the company.»

(In another place, 1 H. H. P. C. 439): «The Lord Dacre and divers others went to steal deer in the park of one Pellham. Raydon, one of the company, killed the keeper in the park, the Lord Dacre and the rest of the company being in the other part of the park. Yet it was adjudged murder in them all, and they died for it.» (And he quotes Crompton 25, Dalton 93, p. 241.) «So that in so strong a case as this, where this nobleman set out to hunt deer in the ground of another, he was in one part of the park and his company in another part, yet they were all guilty of murder.»

The next is:—

(Hale's Pleas of the Crown, 1 H. H. P. C. 440): «The case of Drayton Bassit; divers persons doing an unlawful act, all are guilty of what is done by one.»

(Foster 353, 354): «A general resolution against all opposers, whether such resolution appears upon evidence to have been actually and implicitly entered into by the confederates, or may reasonably be collected from their number, arms or behavior, at or before the scene of action, such resolutions so proved have always been considered as strong ingredients in cases of this kind. And in cases of homicide committed in consequence of them, every person present, in the sense of the law, when the homicide has been involved in the guilt of him that gave the mortal blow.»

(Foster): «The cases of Lord Dacre, mentioned by Hale, and of Pudsey, reported by Crompton and cited by Hale, turned upon this point. The offenses they respectively stood charged with, as principals, were committed far out of their sight and hearing, and yet both were held to be present. It was sufficient that at the instant the facts were committed, they were of the same party and upon the

same pursuit, and under the same engagements and expectations of mutual defense and support with those that did the facts.»

Thus far I have proceeded, and I believe it will not be hereafter disputed by anybody, that this law ought to be known to every one who has any disposition to be concerned in an unlawful assembly, whatever mischief happens in the prosecution of the design they set out upon, all are answerable for it. It is necessary we should consider the definitions of some other crimes as well as murder; sometimes one crime gives occasion to another. An assault is sometimes the occasion of manslaughter, sometimes of excusable homicide. It is necessary to consider what is a riot. (1 Hawkins, ch. 65, § 2): I shall give you the definition of it:—

«Wheresoever more than three persons use force or violence, for the accomplishment of any design whatever, all concerned are rioters.»

Were there not more than three persons in Dock Square? Did they not agree to go to King Street, and attack the main guard? Where, then, is the reason for hesitation at calling it a riot? If we cannot speak the law as it is, where is our liberty? And this is law, that wherever more than three persons are gathered together to accomplish anything with force, it is a riot.

(1 Hawkins, ch. 65, § 2): «Wherever more than three persons use force and violence, all who are concerned therein are rioters. But in some cases wherein the law authorizes force, it is lawful and commendable to use it. As for a sheriff [2 And. 67 Poph. 121], or constable [3 H. 7, 10, 6], or perhaps even for a private person [Poph. 121, Moore 656], to assemble a competent number of people, in order with force to oppose rebels or enemies or rioters, and afterwards, with such force actually to suppress them.»

I do not mean to apply the word rebel on this occasion; I have no reason to suppose that ever there was one in Boston, at least among the natives of the country; but rioters are in the same situation, as far as my argument is concerned, and proper officers may suppress rioters, and so may even private persons.

If we strip ourselves free from all military laws, mutiny acts, articles of war and soldiers' oaths, and consider these prisoners as neighbors, if any of their neighbors were attacked in King Street, they had a right to collect together to suppress this riot and combination. If any number of persons meet together at a fair or market, and happen to fall together by the ears, they are

not guilty of a riot, but of a sudden affray. Here is another paragraph, which I must read to you:—

(1 Hawkins, ch. 65, § 3): "If a number of persons being met together at a fair or market, or on any other lawful or innocent occasion, happen, on a sudden quarrel, to fall together by the ears, they are not guilty of a riot, but of a sudden affray only, of which none are guilty but those who actually began it," etc.

It would be endless, as well as superfluous, to examine whether every particular person engaged in a riot were in truth one of the first assembly or actually had a previous knowledge of the design thereof. I have endeavored to produce the best authorities, and to give you the rules of law in their words, for I desire not to advance anything of my own. I choose to lay down the rules of law from authorities which cannot be disputed. Another point is this, whether and how far a private person may aid another in distress? Suppose a press-gang should come on shore in this town and assault any sailor or householder in King Street, in order to carry him on board one of his Majesty's ships, and impress him without any warrant as a seaman in his Majesty's service; how far do you suppose the inhabitants would think themselves warranted by law to interpose against that lawless press-gang? I agree that such a press-gang would be as unlawful an assembly as that was in King Street. If they were to press an inhabitant and carry him off for a sailor, would not the inhabitants think themselves warranted by law to interpose in behalf of their fellow-citizen? Now, gentlemen, if the soldiers had no right to interpose in the relief of the sentry, the inhabitants would have no right to interpose with regard to the citizen, for whatever is law for a soldier is law for a sailor and for a citizen. They all stand upon an equal footing in this respect. I believe we shall not have it disputed that it would be lawful to go into King Street and help an honest man there against the press-master. We have many instances in the books which authorize it.

Now, suppose you should have a jealousy in your minds that the people who made this attack upon the sentry had nothing in their intention more than to take him off his post, and that was threatened by some. Suppose they intended to go a little further, and tar and feather him, or to ride him (as the phrase is in Hudibras), he would have had a good right to have stood

upon his defense — the defense of his liberty; and if he could not preserve that without the hazard of his own life, he would have been warranted in depriving those of life who were endeavoring to deprive him of his. That is a point I would not give up for my right hand — nay, for my life.

Well, I say, if the people did this, or if this was only their intention, surely the officers and soldiers had a right to go to his relief; and therefore they set out upon a lawful errand. They were, therefore, a lawful assembly, if we only consider them as private subjects and fellow-citizens, without regard to mutiny acts, articles of war, or soldiers' oaths. A private person, or any number of private persons, has a right to go to the assistance of a fellow-subject in distress or danger of his life, when assaulted and in danger from a few or a multitude.

(Keyl. 136): «If a man perceives another by force to be injuriously treated, pressed, and restrained of his liberty, though the person abused doth not complain or call for aid or assistance, and others, out of compassion, shall come to his rescue, and kill any of those that shall so restrain him, that is manslaughter.»

Keyl.: «A and others without any warrant impress B to serve the king at sea. B quietly submitted, and went off with the pressmaster. Hugett and the others pursued them, and required a sight of their warrant; but they showing a piece of paper that was not a sufficient warrant, thereupon Hugett with the others drew their swords, and the pressmasters theirs, and so there was a combat, and those who endeavored to rescue the pressed man killed one of the pretended pressmasters. This was but manslaughter; for when the liberty of one subject is invaded, it affects all the rest. It is a provocation to all people, as being of ill example and pernicious consequences.»

Lord Raymond, 1301. The Queen *versus* Tooley *et al.* Lord Chief-Justice Holt says: «The prisoner (*i. e.* Tooley) in this had sufficient provocation; for if one be impressed upon an unlawful authority, it is a sufficient provocation to all people out of compassion; and where the liberty of the subject is invaded, it is a provocation to all the subjects of England, etc.; and surely a man ought to be concerned for Magna Charta and the laws; and if any one, against the law, imprisons a man, he is an offender against Magna Charta.»

I am not insensible to Sir Michael Foster's observations on these cases, but apprehend they do not invalidate the authority of them as far as I now apply them to the purposes of my argument. If a stranger, a mere fellow-subject, may interpose to

defend the liberty, he may, too, defend the life of another individual. But, according to the evidence, some imprudent people, before the sentry, proposed to take him off his post; others threatened his life; and intelligence of this was carried to the main guard before any of the prisoners turned out. They were then ordered out to relieve the sentry; and any of our fellow-citizens might lawfully have gone upon the same errand. They were, therefore, a lawful assembly.

I have but one point of law more to consider, and that is this: In the case before you I do not pretend to prove that every one of the unhappy persons slain was concerned in the riot. The authorities read to you just now say it would be endless to prove whether every person that was present and in a riot was concerned in planning the first enterprise or not. Nay, I believe it but justice to say some were perfectly innocent of the occasion. I have reason to suppose that one of them was—Mr. Maverick. He was a very worthy young man, as he has been represented to me, and had no concern in the rioters' proceedings of that night; and I believe the same may be said in favor of one more at least, Mr. Caldwell, who was slain; and, therefore, many people may think that as he and perhaps another was innocent, therefore innocent blood having been shed, that must be expiated by the death of somebody or other. I take notice of this, because one gentleman was nominated by the sheriff for a juryman upon this trial, because he had said he believed Captain Preston was innocent, but innocent blood had been shed, and therefore somebody ought to be hanged for it, which he thought was indirectly giving his opinion in this cause. I am afraid many other persons have formed such an opinion. I do not take it to be a rule, that where innocent blood is shed the person must die. In the instance of the Frenchmen on the Plains of Abraham, they were innocent, fighting for their king and country; their blood is as innocent as any. There may be multitudes killed, when innocent blood is shed on all sides; so that it is not an invariable rule. I will put a case in which, I dare say, all will agree with me. Here are two persons, the father and the son, go out a-hunting. They take different roads. The father hears a rushing among the bushes, takes it to be game, fires, and kills his son, through a mistake. Here is innocent blood shed, but yet nobody will say the father ought to die for it. So that the general rule of law is, that whenever one

person has a right to do an act, and that act, by any accident, takes away the life of another, it is excusable. It bears the same regard to the innocent as to the guilty. If two men are together, and attack me, and I have a right to kill them, I strike at them, and by mistake strike a third and kill him, as I had a right to kill the first, my killing the other will be excusable, as it happened by accident. If I, in the heat of passion, aim a blow at the person who has assaulted me, and aiming at him I kill another person, it is but manslaughter.

(Foster, 261, § 3): «If an action unlawful in itself is done deliberately, and with intention of mischief, or great bodily harm to particulars, or of mischief indiscriminately, fall it where it may, and death ensues, against or beside the original intention of the party, it will be murder. But if such mischievous intention doth not appear, which is matter of fact, and to be collected from circumstances, and the act was done heedlessly and inconsiderately, it will be manslaughter, not accidental death; because the act upon which death ensued was unlawful.»

Suppose, in this case, the mulatto man was the person who made the assault; suppose he was concerned in the unlawful assembly, and this party of soldiers, endeavoring to defend themselves against him, happened to kill another person, who was innocent — though the soldiers had no reason, that we know of, to think any person there, at least of that number who were crowding about them, innocent; they might, naturally enough, presume all to be guilty of the riot and assault, and to come with the same design — I say, if on firing on those who were guilty, they accidentally killed an innocent person, it was not their fault. They were obliged to defend themselves against those who were pressing upon them. They are not answerable for it with their lives; for on supposition it was justifiable or excusable to kill Attucks, or any other person, it will be equally justifiable or excusable if in firing at him they killed another, who was innocent; or if the provocation was such as to mitigate the guilt of manslaughter, it will equally mitigate the guilt, if they killed an innocent man undesignedly, in aiming at him who gave the provocation, according to Judge Foster; and as this point is of such consequence, I must produce some more authorities for it:

(1 Hawkins, 84): «Also, if a third person accidentally happen to be killed by one engaged in a combat, upon a sudden quarrel, it seems

that he who killed him is guilty of manslaughter only," etc. (H. H. P. C., 442, to the same point; and 1 H. H. P. C. 484, and 4 Black, 27.)

I shall now consider one question more, and that is concerning provocation. We have hitherto been considering self-defense, and how far persons may go in defending themselves against aggressors, even by taking away their lives, and now proceed to consider such provocations as the law allows to mitigate or extenuate the guilt of killing, where it is not justifiable or excusable. An assault and battery committed upon a man in such a manner as not to endanger his life is such a provocation as the law allows to reduce killing down to the crime of manslaughter. Now, the law has been made on more considerations than we are capable of making at present; the law considers a man as capable of bearing anything and everything but blows. I may reproach a man as much as I please; I may call him a thief, robber, traitor, scoundrel, coward, lobster, bloody-back, etc., and if he kill me it will be murder, if nothing else but words precede; but if from giving him such kind of language I proceed to take him by the nose, or fillip him on the forehead, that is an assault; that is a blow. The law will not oblige a man to stand still and bear it; there is the distinction. Hands off; touch me not. As soon as you touch me, if I run you through the heart, it is but manslaughter. The utility of this distinction, the more you think of it the more you will be satisfied with it. It is an assault whenever a blow is struck, let it be ever so slight, and sometimes even without a blow. The law considers man as frail and passionate. When his passions are touched, he will be thrown off his guard, and therefore the law makes allowance for this frailty — considers him as in a fit of passion, not having the possession of his intellectual faculties, and therefore does not oblige him to measure out his blows with a yard-stick, or weigh them in a scale. Let him kill with a sword, gun, or hedge-stake, it is not murder, but only manslaughter.

(Keyling's Report, 135. Regina *versus* Mawgrige.) "Rules supported by authority and general consent, showing what are always allowed to be sufficient provocations. First, if one man upon any words shall make an assault upon another, either by pulling him by the nose or filliping him on the forehead, and he that is so assaulted shall draw his sword and immediately run the other through, that

is but manslaughter, for the peace is broken by the person killed, and with an indignity to him that received the assault. Besides, he that was so affronted might reasonably apprehend that he that treated him in that manner might have some further design upon him.»

So that here is the boundary, when a man is assaulted and kills in consequence of that assault, it is but manslaughter. I will just read as I go along the definition of assault: —

(1 Hawkins, ch. 62, § 1): «An assault is an attempt or offer, with force or violence, to do a corporal hurt to another, as by striking at him with or without a weapon, or presenting a gun at him at such a distance to which the gun will carry, or pointing a pitchfork at him, or by any other such like act done in angry, threatening manner, etc.; but no words can amount to an assault.»

Here is the definition of an assault, which is a sufficient provocation to soften killing down to manslaughter: —

(1 Hawkins, ch. 31, § 36): «Neither can he be thought guilty of a greater crime than manslaughter, who, finding a man in bed with his wife, or being actually struck by him, or pulled by the nose or filliped upon the forehead, immediately kills him, or in the defense of his person from an unlawful arrest, or in the defense of his house from those who, claiming a title to it, attempt forcibly to enter it, and to that purpose shoot at it,» etc.

Every snowball, oyster shell, cake of ice, or bit of cinder, that was thrown that night at the sentinel, was an assault upon him; every one that was thrown at the party of soldiers was an assault upon them, whether it hit any of them or not. I am guilty of an assault if I present a gun at any person; and if I insult him in that manner and he shoots me, it is but manslaughter.

(Foster, 295, 296): «To what I have offered with regard to sudden rencounters let me add, that the blood already too much heated, kindleth afresh at every pass or blow. And in the tumult of the passions, in which the mere instinct of self-preservation has no inconsiderable share, the voice of reason is not heard; and therefore the law, in condescension to the infirmities of flesh and blood, doth extenuate the offense.»

Insolent, scurrilous, or slanderous language, when it precedes an assault, aggravates it.

(Foster, 316): "We all know that words of reproach, how grating and offensive soever, are in the eye of the law no provocation in the case of voluntary homicide; and yet every man who hath considered the human frame, or but attended to the workings of his own heart, knoweth that affronts of that kind pierce deeper and stimulate in the veins more effectually than a slight injury done to a third person, though under the color of justice, possibly can."

I produce this to show the assault in this case was aggravated by the scurrilous language which preceded it. Such words of reproach stimulate in the veins and exasperate the mind, and no doubt if an assault and battery succeeds them, killing under such provocation is softened to manslaughter, but killing without such provocation makes it murder.

End of the first day's speech

JOHN QUINCY ADAMS

(1767–1848)

NO OTHER American President, not even Thomas Jefferson, has equaled John Quincy Adams in literary accomplishments. His orations and public speeches will be found to stand for a tradition of painstaking, scholastic finish hardly to be found elsewhere in American orations, and certainly not among the speeches of any other President. As a result of the pains he took with them, they belong rather to literature than to politics, and it is possible that they will not be generally appreciated at their real worth for several generations still to come. If, as is sometimes alleged in such cases, they gain in literary finish at the expense of force, it is not to be forgotten that the forcible speech which, ignoring all rules, carries its point by assault, may buy immediate effect at the expense of permanent respectability. And if John Quincy Adams, who labored as Cicero did to give his addresses the greatest possible literary finish, does not rank with Cicero among orators, it is certain that respectability will always be willingly conceded him by every generation of his countrymen.

Some idea of the extent of his early studies may be gained from his father's letter to Benjamin Waterhouse, written from Auteuil, France, in 1785. John Quincy Adams being then only in his eighteenth year, the elder Adams said of him:—

«If you were to examine him in English and French poetry, I know not where you would find anybody his superior; in Roman and English history few persons of his age. It is rare to find a youth possessed of such knowledge. He has translated Virgil's 'Æneid,' 'Suetonius,' the whole of 'Sallust'; 'Tacitus,' 'Agricola'; his 'Germany' and several other books of his 'Annals,' a great part of Horace, some of Ovid, and some of Cæsar's 'Commentaries,' in writing, besides a number of Tully's orations. . . . In Greek his progress has not been equal, yet he has studied morsels in Aristotle's 'Poetics,' in Plutarch's 'Lives,' and Lucian's 'Dialogues,' 'The Choice of Hercules,' in Xenophon, and lately he has gone through several books of Homer's 'Iliad.'»

The elder Adams concludes the list of his son's accomplishments with a catalogue of his labors in mathematics hardly inferior in length to that cited in the classics. Even if it were true, as has been urged by the political opponents of the Adams family, that no one of its members has ever shown more than respectable natural talent,

DEPARTURE OF THE PILGRIM FATHERS FROM DELFT HAVEN.

Photogravure after the Original by Charles W. Cope.

THE "Pilgrim Fathers" who landed at Plymouth from the Mayflower, December 25th, 1620, sailed from Southampton, where they had been joined by those who had left Delft Haven, Holland, in the Speedwell some weeks before.

it would add overwhelming weight to the argument in favor of the laborious habits of study which have characterized them to the third and fourth generations, and, from the time of John Adams until our own, have made them men of mark and far-reaching national influence.

In national politics, John Quincy Adams, the last of the line of colonial gentlemen who achieved the presidency, stood for education, for rigid ideas of moral duty, for dignity, for patriotism, for all the virtues which are best cultivated through processes of segregation. He ended an epoch in which it was possible for a man who, as he did, wrote 'Poems on Religion and Society' and paraphrased the Psalms into English verse to be elected President. It has hardly been possible since his day.

Chosen as a Democrat in 1825, Mr. Adams was really the first Whig President. His speeches are important, historically, because they define political tendencies as a result of which the Whig party took the place of the Federalist.

ORATION AT PLYMOUTH

(Delivered at Plymouth on the Twenty-Second Day of December, 1802, in Commemoration of the Landing of the Pilgrims)

AMONG the sentiments of most powerful operation upon the human heart, and most highly honorable to the human character, are those of veneration for our forefathers, and of love for our posterity. They form the connecting links between the selfish and the social passions. By the fundamental principle of Christianity, the happiness of the individual is interwoven, by innumerable and imperceptible ties, with that of his contemporaries. By the power of filial reverence and parental affection, individual existence is extended beyond the limits of individual life, and the happiness of every age is chained in mutual dependence upon that of every other. Respect for his ancestors excites, in the breast of man, interest in their history, attachment to their characters, concern for their errors, involuntary pride in their virtues. Love for his posterity spurs him to exertion for their support, stimulates him to virtue for their example, and fills him with the tenderest solicitude for their welfare. Man, therefore, was not made for himself alone. No, he was made for his country, by the obligations of the social compact; he was made for his species, by the Christian duties of

universal charity; he was made for all ages past, by the sentiment of reverence for his forefathers; and he was made for all future times, by the impulse of affection for his progeny. Under the influence of these principles,

«Existence sees him spurn her bounded reign.»

They redeem his nature from the subjection of time and space; he is no longer a «puny insect shivering at a breeze»; he is the glory of creation, formed to occupy all time and all extent; bounded, during his residence upon earth, only to the boundaries of the world, and destined to life and immortality in brighter regions, when the fabric of nature itself shall dissolve and perish.

The voice of history has not, in all its compass, a note but answers in unison with these sentiments. The barbarian chieftain, who defended his country against the Roman invasion, driven to the remotest extremity of Britain, and stimulating his followers to battle by all that has power of persuasion upon the human heart, concluded his persuasion by an appeal to these irresistible feelings: «Think of your forefathers and of your posterity.» The Romans themselves, at the pinnacle of civilization, were actuated by the same impressions, and celebrated, in anniversary festivals, every great event which had signalized the annals of their forefathers. To multiply instances where it were impossible to adduce an exception would be to waste your time and abuse your patience; but in the sacred volume, which contains the substance of our firmest faith and of our most precious hopes, these passions not only maintain their highest efficacy, but are sanctioned by the express injunctions of the Divine Legislator to his chosen people.

The revolutions of time furnish no previous example of a nation shooting up to maturity and expanding into greatness with the rapidity which has characterized the growth of the American people. In the luxuriance of youth, and in the vigor of manhood, it is pleasing and instructive to look backwards upon the helpless days of infancy; but in the continual and essential changes of a growing subject, the transactions of that early period would be soon obliterated from the memory but for some periodical call of attention to aid the silent records of the historian. Such celebrations arouse and gratify the kindliest emotions of the bosom. They are faithful pledges of the respect we bear to the memory of our ancestors and of the tenderness with

which we cherish the rising generation. They introduce the sages and heroes of ages past to the notice and emulation of succeeding times; they are at once testimonials of our gratitude, and schools of virtue to our children.

These sentiments are wise; they are honorable; they are virtuous; their cultivation is not merely innocent pleasure, it is incumbent duty. Obedient to their dictates, you, my fellow-citizens, have instituted and paid frequent observance to this annual solemnity. And what event of weightier intrinsic importance, or of more extensive consequences, was ever selected for this honorary distinction?

In reverting to the period of our origin, other nations have generally been compelled to plunge into the chaos of impenetrable antiquity, or to trace a lawless ancestry into the caverns of ravishers and robbers. It is your peculiar privilege to commemorate, in this birthday of your nation, an event ascertained in its minutest details; an event of which the principal actors are known to you familiarly, as if belonging to your own age; an event of a magnitude before which imagination shrinks at the imperfection of her powers. It is your further happiness to behold, in those eminent characters, who were most conspicuous in accomplishing the settlement of your country, men upon whose virtue you can dwell with honest exultation. The founders of your race are not handed down to you, like the father of the Roman people, as the sucklings of a wolf. You are not descended from a nauseous compound of fanaticism and sensuality, whose only argument was the sword, and whose only paradise was a brothel. No Gothic scourge of God, no Vandal pest of nations, no fabled fugitive from the flames of Troy, no bastard Norman tyrant, appears among the list of worthies who first landed on the rock, which your veneration has preserved as a lasting monument of their achievement. The great actors of the day we now solemnize were illustrious by their intrepid valor no less than by their Christian graces, but the clarion of conquest has not blazoned forth their names to all the winds of heaven. Their glory has not been wafted over oceans of blood to the remotest regions of the earth. They have not erected to themselves colossal statues upon pedestals of human bones, to provoke and insult the tardy hand of heavenly retribution. But theirs was "the better fortitude of patience and heroic martyrdom." Theirs was the gentle temper of Christian kindness; the rigorous observance of

reciprocal justice; the unconquerable soul of conscious integrity. Worldly fame has been parsimonious of her favor to the memory of those generous companions. Their numbers were small; their stations in life obscure; the object of their enterprise unostentatious; the theatre of their exploits remote; how could they possibly be favorites of worldly Fame — that common crier, whose existence is only known by the assemblage of multitudes; that pander of wealth and greatness, so eager to haunt the palaces of fortune, and so fastidious to the houseless dignity of virtue; that parasite of pride, ever scornful to meekness, and ever obsequious to insolent power; that heedless trumpeter, whose ears are deaf to modest merit, and whose eyes are blind to bloodless, distant excellence?

When the persecuted companions of Robinson, exiles from their native land, anxiously sued for the privilege of removing a thousand leagues more distant to an untried soil, a rigorous climate, and a savage wilderness, for the sake of reconciling their sense of religious duty with their affections for their country, few, perhaps none of them, formed a conception of what would be, within two centuries, the result of their undertaking. When the jealous and niggardly policy of their British sovereign denied them even that humblest of requests, and instead of liberty would barely consent to promise connivance, neither he nor they might be aware that they were laying the foundations of a power, and that he was sowing the seeds of a spirit, which, in less than two hundred years, would stagger the throne of his descendants, and shake his united kingdoms to the centre. So far is it from the ordinary habits of mankind to calculate the importance of events in their elementary principles, that had the first colonists of our country ever intimated as a part of their designs the project of founding a great and mighty nation, the finger of scorn would have pointed them to the cells of bedlam as an abode more suitable for hatching vain empires than the solitude of a transatlantic desert.

These consequences, then so little foreseen, have unfolded themselves, in all their grandeur, to the eyes of the present age. It is a common amusement of speculative minds to contrast the magnitude of the most important events with the minuteness of their primeval causes, and the records of mankind are full of examples for such contemplations. It is, however, a more profitable employment to trace the constituent principles of future

greatness in their kernel; to detect in the acorn at our feet the germ of that majestic oak, whose roots shoot down to the centre, and whose branches aspire to the skies. Let it be, then, our present occupation to inquire and endeavor to ascertain the causes first put in operation at the period of our commemoration, and already productive of such magnificent effects; to examine with reiterated care and minute attention the characters of those men who gave the first impulse to a new series of events in the history of the world; to applaud and emulate those qualities of their minds which we shall find deserving of our admiration; to recognize with candor those features which forbid approbation or even require censure, and, finally, to lay alike their frailties and their perfections to our own hearts, either as warning or as example.

Of the various European settlements upon this continent, which have finally merged in one independent nation, the first establishments were made at various times, by several nations, and under the influence of different motives. In many instances, the conviction of religious obligation formed one and a powerful inducement of the adventures; but in none, excepting the settlement at Plymouth, did they constitute the sole and exclusive actuating cause. Worldly interest and commercial speculation entered largely into the views of other settlers, but the commands of conscience were the only stimulus to the emigrants from Leyden. Previous to their expedition hither, they had endured a long banishment from their native country. Under every species of discouragement, they undertook the vogage; they performed it in spite of numerous and almost insuperable obstacles; they arrived upon a wilderness bound with frost and hoary with snow, without the boundaries of their charter, outcasts from all human society, and coasted five weeks together, in the dead of winter, on this tempestuous shore, exposed at once to the fury of the elements, to the arrows of the native savage, and to the impending horrors of famine.

Courage and perseverance have a magical talisman, before which difficulties disappear and obstacles vanish into air. These qualities have ever been displayed in their mightiest perfection, as attendants in the retinue of strong passions. From the first discovery of the Western Hemisphere by Columbus until the settlement of Virginia which immediately preceded that of Plymouth, the various adventurers from the ancient world had

exhibited upon innumerable occasions that ardor of enterprise and that stubbornness of pursuit which set all danger at defiance, and chained the violence of nature at their feet. But they were all instigated by personal interests. Avarice and ambition had tuned their souls to that pitch of exaltation. Selfish passions were the parents of their heroism. It was reserved for the first settlers of New England to perform achievements equally arduous, to trample down obstructions equally formidable, to dispel dangers equally terrific, under the single inspiration of conscience. To them even liberty herself was but a subordinate and secondary consideration. They claimed exemption from the mandates of human authority, as militating with their subjection to a superior power. Before the voice of heaven they silenced even the calls of their country.

Yet, while so deeply impressed with the sense of religious obligation, they felt, in all its energy, the force of that tender tie which binds the heart of every virtuous man to his native land. It was to renew that connection with their country which had been severed by their compulsory expatriation, that they resolved to face all the hazards of a perilous navigation and all the labors of a toilsome distant settlement. Under the mild protection of the Batavian government, they enjoyed already that freedom of religious worship, for which they had resigned so many comforts and enjoyments at home; but their hearts panted for a restoration to the bosom of their country. Invited and urged by the open-hearted and truly benevolent people who had given them an asylum from the persecution of their own kindred to form their settlement within the territories then under their jurisdiction, the love of their country predominated over every influence save that of conscience alone, and they preferred the precarious chance of relaxation from the bigoted rigor of the English government to the certain liberality and alluring offers of the Hollanders. Observe, my countrymen, the generous patriotism, the cordial union of soul, the conscious yet unaffected vigor which beam in their application to the British monarch:—

> «They were well weaned from the delicate milk of their mother country, and inured to the difficulties of a strange land. They were knit together in a strict and sacred bond, to take care of the good of each other and of the whole. It was not with them as with other men, whom small things could discourage, or small discontents cause to wish themselves again at home.»

Children of these exalted Pilgrims! Is there one among you who can hear the simple and pathetic energy of these expressions without tenderness and admiration? Venerated shades of our forefathers! No, ye were, indeed, not ordinary men! That country which had ejected you so cruelly from her bosom you still delighted to contemplate in the character of an affectionate and beloved mother. The sacred bond which knit you together was indissoluble while you lived; and oh, may it be to your descendants the example and the pledge of harmony to the latest period of time! The difficulties and dangers, which so often had defeated attempts of similar establishments, were unable to subdue souls tempered like yours. You heard the rigid interdictions; you saw the menacing forms of toil and danger, forbidding your access to this land of promise; but you heard without dismay; you saw and disdained retreat. Firm and undaunted in the confidence of that sacred bond; conscious of the purity, and convinced of the importance of your motives, you put your trust in the protecting shield of Providence, and smiled defiance at the combining terrors of human malice and of elemental strife. These, in the accomplishment of your undertaking, you were summoned to encounter in their most hideous forms; these you met with that fortitude, and combatted with that perseverance, which you had promised in their anticipation; these you completely vanquished in establishing the foundations of New England, and the day which we now commemorate is the perpetual memorial of your triumph.

It were an occupation peculiarly pleasing to cull from our early historians, and exhibit before you every detail of this transaction; to carry you in imagination on board their bark at the first moment of her arrival in the bay; to accompany Carver, Winslow, Bradford, and Standish, in all their excursions upon the desolate coast; to follow them into every rivulet and creek where they endeavored to find a firm footing, and to fix, with a pause of delight and exultation, the instant when the first of these heroic adventurers alighted on the spot where you, their descendants, now enjoy the glorious and happy reward of their labors. But in this grateful task, your former orators, on this anniversary, have anticipated all that the most ardent industry could collect, and gratified all that the most inquisitive curiosity could desire. To you, my friends, every occurrence of that momentous period is already familiar. A transient allusion to a few characteristic instances, which mark the peculiar history of the

Plymouth settlers, may properly supply the place of a narrative, which, to this auditory, must be superfluous.

One of these remarkable incidents is the execution of that instrument of government by which they formed themselves into a body politic, the day after their arrival upon the coast, and previous to their first landing. This is, perhaps, the only instance in human history of that positive, original social compact, which speculative philosophers have imagined as the only legitimate source of government. Here was a unanimous and personal assent, by all the individuals of the community, to the association by which they became a nation. It was the result of circumstances and discussions which had occurred during their passage from Europe, and is a full demonstration that the nature of civil government, abstracted from the political institutions of their native country, had been an object of their serious meditation. The settlers of all the former European colonies had contented themselves with the powers conferred upon them by their respective charters, without looking beyond the seal of the royal parchment for the measure of their rights and the rule of their duties. The founders of Plymouth had been impelled by the peculiarities of their situation to examine the subject with deeper and more comprehensive research. After twelve years of banishment from the land of their first allegiance, during which they had been under an adoptive and temporary subjection to another sovereign, they must naturally have been led to reflect upon the relative rights and duties of allegiance and subjection. They had resided in a city, the seat of a university, where the polemical and political controversies of the time were pursued with uncommon fervor. In this period they had witnessed the deadly struggle between the two parties, into which the people of the United Provinces, after their separation from the crown of Spain, had divided themselves. The contest embraced within its compass not only theological doctrines, but political principles, and Maurice and Barnevelt were the temporal leaders of the same rival factions, of which Episcopius and Polyander were the ecclesiastical champions.

That the investigation of the fundamental principles of government was deeply implicated in these dissensions is evident from the immortal work of Grotius, upon the rights of war and peace, which undoubtedly originated from them. Grotius himself had been a most distinguished actor and sufferer in those

important scenes of internal convulsion, and his work was first published very shortly after the departure of our forefathers from Leyden. It is well known that in the course of the contest Mr. Robinson more than once appeared, with credit to himself, as a public disputant against Episcopius; and from the manner in which the fact is related by Governor Bradford, it is apparent that the whole English Church at Leyden took a zealous interest in the religious part of the controversy. As strangers in the land, it is presumable that they wisely and honorably avoided entangling themselves in the political contentions involved with it. Yet the theoretic principles, as they were drawn into discussion, could not fail to arrest their attention, and must have assisted them to form accurate ideas concerning the origin and extent of authority among men, independent of positive institutions. The importance of these circumstances will not be duly weighed without taking into consideration the state of opinion then prevalent in England. The general principles of government were there little understood and less examined. The whole substance of human authority was centred in the simple doctrine of royal prerogative, the origin of which was always traced in theory to divine institution. Twenty years later, the subject was more industriously sifted, and for half a century became one of the principal topics of controversy between the ablest and most enlightened men in the nation. The instrument of voluntary association executed on board the Mayflower testifies that the parties to it had anticipated the improvement of their nation.

Another incident, from which we may derive occasion for important reflections, was the attempt of these original settlers to establish among them that community of goods and of labor, which fanciful politicians, from the days of Plato to those of Rousseau, have recommended as the fundamental law of a perfect republic. This theory results, it must be acknowledged, from principles of reasoning most flattering to the human character. If industry, frugality, and disinterested integrity were alike the virtues of all, there would, apparently, be more of the social spirit, in making all property a common stock, and giving to each individual a proportional title to the wealth of the whole. Such is the basis upon which Plato forbids, in his Republic, the division of property. Such is the system upon which Rousseau pronounces the first man who enclosed a field with a fence, and, said, "This is mine," a traitor to the human species. A wiser

and more useful philosophy, however, directs us to consider man according to the nature in which he was formed; subject to infirmities, which no wisdom can remedy; to weaknesses, which no institution can strengthen; to vices, which no legislation can correct. Hence, it becomes obvious that separate property is the natural and indisputable right of separate exertion; that community of goods without community of toil is oppressive and unjust; that it counteracts the laws of nature, which prescribe that he only who sows the seed shall reap the harvest; that it discourages all energy, by destroying its rewards; and makes the most virtuous and active members of society the slaves and drudges of the worst. Such was the issue of this experiment among our forefathers, and the same event demonstrated the error of the system in the elder settlement of Virginia. Let us cherish that spirit of harmony which prompted our forefathers to make the attempt, under circumstances more favorable to its success than, perhaps, ever occurred upon earth. Let us no less admire the candor with which they relinquished it, upon discovering its irremediable inefficacy. To found principles of government upon too advantageous an estimate of the human character is an error of inexperience, the source of which is so amiable that it is impossible to censure it with severity. We have seen the same mistake, committed in our own age, and upon a larger theatre. Happily for our ancestors, their situation allowed them to repair it before its effects had proved destructive. They had no pride of vain philosophy to support, no perfidious rage of faction to glut, by persevering in their mistakes until they should be extinguished in torrents of blood.

As the attempt to establish among themselves the community of goods was a seal of that sacred bond which knit them so closely together, so the conduct they observed towards the natives of the country displays their steadfast adherence to the rules of justice and their faithful attachment to those of benevolence and charity.

No European settlement ever formed upon this continent has been more distinguished for undeviating kindness and equity towards the savages. There are, indeed, moralists who have questioned the right of the Europeans to intrude upon the possessions of the aboriginals in any case, and under any limitations whatsoever. But have they maturely considered the whole subject? The Indian right of possession itself stands, with regard

to the greatest part of the country, upon a questionable foundation. Their cultivated fields; their constructed habitations; a space of ample sufficiency for their subsistence, and whatever they had annexed to themselves by personal labor, was undoubtedly, by the laws of nature, theirs. But what is the right of a huntsman to the forest of a thousand miles over which he has accidentally ranged in quest of prey? Shall the liberal bounties of Providence to the race of man be monopolized by one of ten thousand for whom they were created? Shall the exuberant bosom of the common mother, amply adequate to the nourishment of millions, be claimed exclusively by a few hundreds of her offspring? Shall the lordly savage not only disdain the virtues and enjoyments of civilization himself, but shall he control the civilization of a world? Shall he forbid the wilderness to blossom like a rose? Shall he forbid the oaks of the forest to fall before the ax of industry, and to rise again, transformed into the habitations of ease and elegance? Shall he doom an immense region of the globe to perpetual desolation, and to hear the howlings of the tiger and the wolf silence forever the voice of human gladness? Shall the fields and the valleys, which a beneficent God has formed to teem with the life of innumerable multitudes, be condemned to everlasting barrenness? Shall the mighty rivers, poured out by the hand of nature, as channels of communication between numerous nations, roll their waters in sullen silence and eternal solitude to the deep? Have hundreds of commodious harbors, a thousand leagues of coast, and a boundless ocean, been spread in the front of this land, and shall every purpose of utility to which they could apply be prohibited by the tenant of the woods? No, generous philanthropists! Heaven has not been thus inconsistent in the works of its hands. Heaven has not thus placed at irreconcilable strife its moral laws with its physical creation. The Pilgrims of Plymouth obtained their right of possession to the territory on which they settled, by titles as fair and unequivocal as any human property can be held. By their voluntary association they recognized their allegiance to the government of Britain, and in process of time received whatever powers and authorities could be conferred upon them by a charter from their sovereign. The spot on which they fixed had belonged to an Indian tribe, totally extirpated by that devouring pestilence which had swept the country shortly before their arrival. The territory, thus free from all exclusive possession,

they might have taken by the natural right of occupancy. Desirous, however, of giving ample satisfaction to every pretense of prior right, by formal and solemn conventions with the chiefs of the neighboring tribes, they acquired the further security of a purchase. At their hands the children of the desert had no cause of complaint. On the great day of retribution, what thousands, what millions of the American race will appear at the bar of judgment to arraign their European invading conquerors! Let us humbly hope that the fathers of the Plymouth Colony will then appear in the whiteness of innocence. Let us indulge in the belief that they will not only be free from all accusation of injustice to these unfortunate sons of nature, but that the testimonials of their acts of kindness and benevolence towards them will plead the cause of their virtues, as they are now authenticated by the record of history upon earth.

Religious discord has lost her sting; the cumbrous weapons of theological warfare are antiquated; the field of politics supplies the alchemists of our times with materials of more fatal explosion, and the butchers of mankind no longer travel to another world for instruments of cruelty and destruction. Our age is too enlightened to contend upon topics which concern only the interests of eternity; the men who hold in proper contempt all controversies about trifles, except such as inflame their own passions, have made it a commonplace censure against your ancestors, that their zeal was enkindled by subjects of trivial importance; and that however aggrieved by the intolerance of others, they were alike intolerant themselves. Against these objections, your candid judgment will not require an unqualified justification; but your respect and gratitude for the founders of the State may boldly claim an ample apology. The original grounds of their separation from the Church of England were not objects of a magnitude to dissolve the bonds of communion, much less those of charity, between Christian brethren of the same essential principles. Some of them, however, were not inconsiderable, and numerous inducements concurred to give them an extraordinary interest in their eyes. When that portentous system of abuses, the Papal dominion, was overturned, a great variety of religious sects arose in its stead in the several countries, which for many centuries before had been screwed beneath its subjection. The fabric of the reformation, first undertaken in England upon a contracted basis, by a capricious and sanguinary tyrant, had been

successively overthrown and restored, renewed and altered, according to the varying humors and principles of four successive monarchs. To ascertain the precise point of division between the genuine institutions of Christianity and the corruptions accumulated upon them in the progress of fifteen centuries, was found a task of extreme difficulty throughout the Christian world.

Men of the profoundest learning, of the sublimest genius, and of the purest integrity, after devoting their lives to the research, finally differed in their ideas upon many great points, both of doctrine and discipline. The main question, it was admitted on all hands, most intimately concerned the highest interests of man, both temporal and eternal. Can we wonder that men who felt their happiness here and their hopes of hereafter, their worldly welfare and the kingdom of heaven at stake, should sometimes attach an importance beyond their intrinsic weight to collateral points of controversy, connected with the all-involving object of the reformation? The changes in the forms and principles of religious worship were introduced and regulated in England by the hand of public authority. But that hand had not been uniform or steady in its operations. During the persecutions inflicted in the interval of Popish restoration under the reign of Mary, upon all who favored the reformation, many of the most zealous reformers had been compelled to fly their country. While residing on the continent of Europe, they had adopted the principles of the most complete and rigorous reformation, as taught and established by Calvin. On returning afterwards to their native country, they were dissatisfied with the partial reformation, at which, as they conceived, the English establishment had rested; and claiming the privilege of private conscience, upon which alone any departure from the Church of Rome could be justified, they insisted upon the right of adhering to the system of their own preference, and, of course, upon that of nonconformity to the establishment prescribed by the royal authority. The only means used to convince them of error and reclaim them from dissent was force, and force served but to confirm the opposition it was meant to suppress. By driving the founders of the Plymouth Colony into exile, it constrained them to absolute separation from the Church of England; and by the refusal afterwards to allow them a positive toleration, even in this American wilderness, the council of James I. rendered that separation irreconcilable. Viewing their religious liberties here,

as held only by sufferance, yet bound to them by all the ties of conviction, and by all their sufferings for them, could they forbear to look upon every dissenter among themselves with a jealous eye? Within two years after their landing, they beheld a rival settlement attempted in their immediate neighborhood; and not long after, the laws of self-preservation compelled them to break up a nest of revelers, who boasted of protection from the mother country, and who had recurred to the easy but pernicious resource of feeding their wanton idleness, by furnishing the savages with the means, the skill, and the instruments of European destruction. Toleration, in that instance, would have been self-murder, and many other examples might be alleged, in which their necessary measures of self-defense have been exaggerated into cruelty, and their most indispensable precautions distorted into persecution. Yet shall we not pretend that they were exempt from the common laws of mortality, or entirely free from all the errors of their age. Their zeal might sometimes be too ardent, but it was always sincere. At this day, religious indulgence is one of our clearest duties, because it is one of our undisputed rights. While we rejoice that the principles of genuine Christianity have so far triumphed over the prejudices of a former generation, let us fervently hope for the day when it will prove equally victorious over the malignant passions of our own.

In thus calling your attention to some of the peculiar features in the principles, the character, and the history of our forefathers, it is as wide from my design, as I know it would be from your approbation, to adorn their memory with a chaplet plucked from the domain of others. The occasion and the day are more peculiarly devoted to them, and let it never be dishonored with a contracted and exclusive spirit. Our affections as citizens embrace the whole extent of the Union, and the names of Raleigh, Smith, Winthrop, Calvert, Penn, and Oglethorpe, excite in our minds recollections equally pleasing and gratitude equally fervent with those of Carver and Bradford. Two centuries have not yet elapsed since the first European foot touched the soil which now constitutes the American Union. Two centuries more and our numbers must exceed those of Europe itself. The destinies of this empire, as they appear in prospect before us, disdain the powers of human calculation. Yet, as the original founder of the Roman state is said once to have lifted upon his shoulders

the fame and fortunes of all his posterity, so let us never forget that the glory and greatness of all our descendants is in our hands. Preserve in all their purity, refine, if possible, from all their alloy, those virtues which we this day commemorate as the ornament of our forefathers. Adhere to them with inflexible resolution, as to the horns of the altar; instill them with unwearied perseverance into the minds of your children; bind your souls and theirs to the national Union as the chords of life are centred in the heart, and you shall soar with rapid and steady wing to the summit of human glory. Nearly a century ago, one of those rare minds to whom it is given to discern future greatness in its seminal principles upon contemplating the situation of this continent, pronounced, in a vein of poetic inspiration, "Westward the star of empire takes its way." Let us unite in ardent supplication to the Founder of nations and the Builder of worlds, that what then was prophecy may continue unfolding into history,—that the dearest hopes of the human race may not be extinguished in disappointment, and that the last may prove the noblest empire of time.

LAFAYETTE

(Delivered in Congress, December 31st, 1834)

On the sixth of September, 1757, Lafayette was born. The kings of France and Britain were seated upon their thrones by virtue of the principle of hereditary succession, variously modified and blended with different forms of religious faith, and they were waging war against each other, and exhausting the blood and treasure of their people for causes in which neither of the nations had any beneficial or lawful interest.

In this war the father of Lafayette fell in the cause of his king but not of his country. He was an officer of an invading army, the instrument of his sovereign's wanton ambition and lust of conquest. The people of the electorate of Hanover had done no wrong to him or to his country. When his son came to an age capable of understanding the irreparable loss that he had suffered, and to reflect upon the causes of his father's fate, there was no drop of consolation mingled in the cup from the consideration that he had died for his country. And when the youthful mind was awakened to meditation upon the rights of mankind,

the principles of freedom, and theories of government, it cannot be difficult to perceive in the illustrations of his own family records the source of that aversion to hereditary rule, perhaps the most distinguishing feature of his own political opinions, and to which he adhered through all the vicissitudes of his life. . . .

Lafayette was born a subject of the most absolute and most splendid monarchy of Europe, and in the highest rank of her proud and chivalrous nobility. He had been educated at a college of the University of Paris, founded by the royal munificence of Louis XIV., or Cardinal Richelieu. Left an orphan in early childhood, with the inheritance of a princely fortune, he had been married, at sixteen years of age, to a daughter of the house of Noailles, the most distinguished family of the kingdom, scarcely deemed in public consideration inferior to that which wore the crown. He came into active life, at the change from boy to man, a husband and a father, in the full enjoyment of everything that avarice could covet, with a certain prospect before him of all that ambition could crave. Happy in his domestic affections, incapable, from the benignity of his nature, of envy, hatred, or revenge, a life of "ignoble ease and indolent repose" seemed to be that which nature and fortune had combined to prepare before him. To men of ordinary mold this condition would have led to a life of luxurious apathy and sensual indulgence. Such was the life into which, from the operation of the same causes, Louis XV. had sunk, with his household and court, while Lafayette was rising to manhood surrounded by the contamination of their example. Had his natural endowments been even of the higher and nobler order of such as adhere to virtue, even in the lap of prosperity, and in the bosom of temptation, he might have lived and died a pattern of the nobility of France, to be classed, in aftertimes, with the Turennes and the Montausiers of the age of Louis XIV., or with the Villars or the Lamoignons of the age immediately preceding his own.

But as, in the firmament of heaven that rolls over our heads, there is, among the stars of the first magnitude, one so pre-eminent in splendor as, in the opinion of astronomers, to constitute a class by itself, so in the fourteen hundred years of the French monarchy, among the multitudes of great and mighty men which it has evolved, the name of Lafayette stands unrivaled in the solitude of glory.

In entering upon the threshold of life, a career was to open before him. He had the option of the court and the camp. An office was tendered to him in the household of the King's brother, the Count de Provence, since successively a royal exile and a reinstated king. The servitude and inaction of a court had no charms for him; he preferred a commission in the army, and, at the time of the Declaration of Independence, was a captain of dragoons in garrison at Metz.

There, at an entertainment given by his relative, the Marechal de Broglie, the commandant of the place, to the Duke of Gloucester, brother to the British king, and then a transient traveler through that part of France, he learns, as an incident of intelligence received that morning by the English Prince from London, that the congress of rebels at Philadelphia had issued a Declaration of Independence. A conversation ensues upon the causes which have contributed to produce this event, and upon the consequences which may be expected to flow from it. The imagination of Lafayette has caught across the Atlantic tide the spark emitted from the Declaration of Independence; his heart has kindled at the shock, and, before he slumbers upon his pillow, he has resolved to devote his life and fortune to the cause.

You have before you the cause and the man. The self-devotion of Lafayette was twofold. First to the people, maintaining a bold and seemingly desperate struggle against oppression, and for national existence. Secondly, and chiefly, to the principles of their declaration, which then first unfurled before his eyes the consecrated standard of human rights. To that standard, without an instant of hesitation, he repaired. Where it would lead him, it is scarcely probable that he himself then foresaw. It was then identical with the Stars and Stripes of the American Union, floating to the breeze from the Hall of Independence, at Philadelphia. Nor sordid avarice, nor vulgar ambition, could point his footsteps to the pathway leading to that banner. To the love of ease or pleasure nothing could be more repulsive. Something may be allowed to the beatings of the youthful breast, which make ambition virtue, and something to the spirit of military adventure, imbibed from his profession, and which he felt in common with many others. France, Germany, Poland, furnished to the armies of this Union, in our revolutionary struggle, no inconsiderable number of officers of high rank and distinguished merit. The names of Pulaski and De Kalb are numbered among

the martyrs of our freedom, and their ashes repose in our soil side by side with the canonized bones of Warren and of Montgomery. To the virtues of Lafayette, a more protracted career and happier earthly destinies were reserved. To the moral principle of political action, the sacrifices of no other man were comparable to his. Youth, health, fortune; the favor of his king; the enjoyment of ease and pleasure; even the choicest blessings of domestic felicity — he gave them all for toil and danger in a distant land, and an almost hopeless cause; but it was the cause of justice, and of the rights of human kind. . . .

Pronounce him one of the first men of his age, and you have not yet done him justice. Try him by that test to which he sought in vain to stimulate the vulgar and selfish spirit of Napoleon; class him among the men who, to compare and seat themselves, must take in the compass of all ages; turn back your eyes upon the records of time, summon from the creation of the world to this day the mighty dead of every age and every clime — and where, among the race of merely mortal men, shall one be found, who, as the benefactor of his kind, shall claim to take precedence of Lafayette?

There have doubtless been, in all ages, men whose discoveries or inventions, in the world of matter or of mind, have opened new avenues to the dominion of man over the material creation; have increased his means or his faculties of enjoyment; have raised him in nearer approximation to that higher and happier condition, the object of his hopes and aspirations in his present state of existence.

Lafayette discovered no new principle of politics or of morals. He invented nothing in science. He disclosed no new phenomenon in the laws of nature. Born and educated in the highest order of feudal nobility, under the most absolute monarchy of Europe, in possession of an affluent fortune, and master of himself and of all his capabilities, at the moment of attaining manhood the principle of republican justice and of social equality took possession of his heart and mind, as if by inspiration from above. He devoted himself, his life, his fortune, his hereditary honors, his towering ambition, his splendid hopes, all to the cause of liberty. He came to another hemisphere to defend her. He became one of the most effective champions of our independence; but, that once achieved, he returned to his own country, and thenceforward took no part in the controversies which have

divided us. In the events of our revolution, and in the forms of policy which we have adopted for the establishment and perpetuation of our freedom, Lafayette found the most perfect form of government. He wished to add nothing to it. He would gladly have abstracted nothing from it. Instead of the imaginary republic of Plato, or the Utopia of Sir Thomas Moore, he took a practical existing model, in actual operation here, and never attempted or wished more than to apply it faithfully to his own country.

It was not given to Moses to enter the promised land; but he saw it from the summit of Pisgah. It was not given to Lafayette to witness the consummation of his wishes in the establishment of a republic and the extinction of all hereditary rule in France. His principles were in advance of the age and hemisphere in which he lived. A Bourbon still reigns on the throne of France, and it is not for us to scrutinize the title by which he reigns. The principles of elective and hereditary power, blended in reluctant union in his person, like the red and white roses of York and Lancaster, may postpone to aftertime the last conflict to which they must ultimately come. The life of the patriarch was not long enough for the development of his whole political system. Its final accomplishment is in the womb of time.

The anticipation of this event is the more certain, from the consideration that all the principles for which Lafayette contended were practical. He never indulged himself in wild and fanciful speculations. The principle of hereditary power was, in his opinion, the bane of all republican liberty in Europe. Unable to extinguish it in the Revolution of 1830, so far as concerned the chief magistracy of the nation, Lafayette had the satisfaction of seeing it abolished with reference to the peerage. An hereditary crown, stript of the support which it may derive from an hereditary peerage, however compatible with Asiatic despotism, is an anomaly in the history of the Christian world, and in the theory of free government. There is no argument producible against the existence of an hereditary peerage but applies with aggravated weight against the transmission, from sire to son, of an hereditary crown. The prejudices and passions of the people of France rejected the principle of inherited power, in every station of public trust, excepting the first and highest of them all;

but there they clung to it, as did the Israelites of old to the savory deities of Egypt.

This is not the time nor the place for a disquisition upon the comparative merits, as a system of government, of a republic, and a monarchy surrounded by republican institutions. Upon this subject there is among us no diversity of opinion; and if it should take the people of France another half century of internal and external war, of dazzling and delusive glories; of unparalleled triumphs, humiliating reverses, and bitter disappointments, to settle it to their satisfaction, the ultimate result can only bring them to the point where we have stood from the day of the Declaration of Independence — to the point where Lafayette would have brought them, and to which he looked as a consummation devoutly to be wished.

Then, too, and then only, will be the time when the character of Lafayette will be appreciated at its true value throughout the civilized world. When the principle of hereditary dominion shall be extinguished in all the institutions of France; when government shall no longer be considered as property transmissible from sire to son, but as a trust committed for a limited time, and then to return to the people whence it came; as a burdensome duty to be discharged, and not as a reward to be abused; when a claim, any claim, to political power by inheritance shall, in the estimation of the whole French people, be held as it now is by the whole people of the North American Union — then will be the time for contemplating the character of Lafayette, not merely in the events of his life, but in the full development of his intellectual conceptions, of his fervent aspirations, of the labors and perils and sacrifices of his long and eventful career upon earth; and thenceforward, till the hour when the trump of the Archangel shall sound to announce that Time shall be no more, the name of Lafayette shall stand enrolled upon the annals of our race, high on the list of the pure and disinterested benefactors of mankind.

THE JUBILEE OF THE CONSTITUTION

(Delivered at New York, April 30th, 1839)

Fellow-Citizens and Brethren, Associates of the New York Historical Society:—

WOULD it be an unlicensed trespass of the imagination to conceive that on the night preceding the day of which you now commemorate the fiftieth anniversary—on the night preceding that thirtieth of April, 1789, when from the balcony of your city hall the chancellor of the State of New York administered to George Washington the solemn oath faithfully to execute the office of President of the United States, and to the best of his ability to preserve, protect, and defend the Constitution of the United States—that in the visions of the night the guardian angel of the Father of our country had appeared before him, in the venerated form of his mother, and, to cheer and encourage him in the performance of the momentous and solemn duties that he was about to assume, had delivered to him a suit of celestial armor—a helmet, consisting of the principles of piety, of justice, of honor, of benevolence, with which from his earliest infancy he had hitherto walked through life, in the presence of all his brethren; a spear, studded with the self-evident truths of the Declaration of Independence; a sword, the same with which he had led the armies of his country through the war of freedom to the summit of the triumphal arch of independence; a corslet and cuishes of long experience and habitual intercourse in peace and war with the world of mankind, his contemporaries of the human race, in all their stages of civilization; and, last of all, the Constitution of the United States, a shield, embossed by heavenly hands with the future history of his country.

Yes, gentlemen, on that shield the Constitution of the United States was sculptured (by forms unseen, and in characters then invisible to mortal eye), the predestined and prophetic history of the one confederated people of the North American Union.

They had been the settlers of thirteen separate and distinct English colonies, along the margin of the shore of the North American continent; contiguously situated, but chartered by adventurers of characters variously diversified, including sectarians, religious and political, of all the classes which for the two preceding centuries had agitated and divided the people of the

British islands — and with them were intermingled the descendants of Hollanders, Swedes, Germans, and French fugitives from the persecution of the revoker of the Edict of Nantes.

In the bosoms of this people, thus heterogeneously composed, there was burning, kindled at different furnaces, but all furnaces of affliction, one clear, steady flame of liberty. Bold and daring enterprise, stubborn endurance of privation, unflinching intrepidity in facing danger, and inflexible adherence to conscientious principle, had steeled to energetic and unyielding hardihood the characters of the primitive settlers of all these colonies. Since that time two or three generations of men had passed away, but they had increased and multiplied with unexampled rapidity; and the land itself had been the recent theatre of a ferocious and bloody seven-years' war between the two most powerful and most civilized nations of Europe contending for the possession of this continent.

Of that strife the victorious combatant had been Britain. She had conquered the provinces of France. She had expelled her rival totally from the continent, over which, bounding herself by the Mississippi, she was thenceforth to hold divided empire only with Spain. She had acquired undisputed control over the Indian tribes still tenanting the forests unexplored by the European man. She had established an uncontested monopoly of the commerce of all her colonies. But forgetting all the warnings of preceding ages — forgetting the lessons written in the blood of her own children, through centuries of departed time, she undertook to tax the people of the colonies without their consent.

Resistance, instantaneous, unconcerted, sympathetic, inflexible resistance, like an electric shock, startled and roused the people of all the English colonies on this continent.

This was the first signal of the North American Union. The struggle was for chartered rights — for English liberties — for the cause of Algernon Sidney and John Hampden — for trial by jury — the Habeas Corpus and Magna Charta.

But the English lawyers had decided that Parliament was omnipotent — and Parliament, in its omnipotence, instead of trial by jury and the Habeas Corpus, enacted admiralty courts in England to try Americans for offenses charged against them as committed in America; instead of the privileges of Magna Charta, nullified the charter itself of Massachusetts Bay; shut up the port of Boston; sent armies and navies to keep the peace

and teach the colonies that John Hampden was a rebel and Algernon Sidney a traitor.

English liberties had failed them. From the omnipotence of Parliament the Colonists appealed to the rights of man and the omnipotence of the God of battles. Union! Union! was the instinctive and simultaneous cry throughout the land. Their congress, assembled at Philadelphia, once — twice — had petitioned the king; had remonstrated to Parliament; had addressed the people of Britain, for the rights of Englishmen — in vain. Fleets and armies, the blood of Lexington, and the fires of Charlestown and Falmouth, had been the answer to petition, remonstrance, and address. . . .

The dissolution of allegiance to the British crown, the severance of the colonies from the British empire, and their actual existence as independent States, were definitively established in fact, by war and peace. The independence of each separate State had never been declared of right. It never existed in fact. Upon the principles of the Declaration of Independence, the dissolution of the ties of allegiance, the assumption of sovereign power, and the institution of civil government, are all acts of transcendent authority, which the people alone are competent to perform; and, accordingly, it is in the name and by the authority of the people, that two of these acts — the dissolution of allegiance, with the severance from the British empire, and the declaration of the United Colonies, as free and independent States, were performed by that instrument.

But there still remained the last and crowning act, which the people of the Union alone were competent to perform — the institution of civil government, for that compound nation, the United States of America.

At this day it cannot but strike us as extraordinary, that it does not appear to have occurred to any one member of that assembly, which had laid down in terms so clear, so explicit, so unequivocal, the foundation of all just government, in the imprescriptible rights of man, and the transcendent sovereignty of the people, and who in those principles had set forth their only personal vindication from the charges of rebellion against their king, and of treason to their country, that their last crowning act was still to be performed upon the same principles. That is, the institution, by the people of the United States, of a civil government, to guard and protect and defend them all. On the

contrary, that same assembly which issued the Declaration of Independence, instead of continuing to act in the name and by the authority of the good people of the United States, had, immediately after the appointment of the committee to prepare the Declaration, appointed another committee, of one member from each colony, to prepare and digest the form of confederation to be entered into between the colonies.

That committee reported on the twelfth of July, eight days after the Declaration of Independence had been issued, a draft of articles of confederation between the colonies. This draft was prepared by John Dickinson, then a delegate from Pennsylvania, who voted against the Declaration of Independence, and never signed it, having been superseded by a new election of delegates from that State, eight days after his draft was reported.

There was thus no congeniality of principle between the Declaration of Independence and the articles of confederation. The foundation of the former was a superintending Providence — the rights of man, and the constituent revolutionary power of the people. That of the latter was the sovereignty of organized power, and the independence of the separate or dis-united States. The fabric of the Declaration and that of the confederation were each consistent with its own foundation, but they could not form one consistent, symmetrical edifice. They were the productions of different minds and of adverse passions; one, ascending for the foundation of human government to the laws of nature and of God, written upon the heart of man; the other, resting upon the basis of human institutions, and prescriptive law, and colonial charter. The corner stone of the one was right, that of the other was power. . . .

Where, then, did each State get the sovereignty, freedom, and independence, which the articles of confederation declare it retains?—not from the whole people of the whole Union — not from the Declaration of Independence — not from the people of the State itself. It was assumed by agreement between the legislatures of the several States, and their delegates in Congress, without authority from or consultation of the people at all.

In the Declaration of Independence, the enacting and constituent party dispensing and delegating sovereign power is the whole people of the United Colonies. The recipient party, invested with power, is the United Colonies, declared United States.

In the articles of confederation, this order of agency is inverted. Each State is the constituent and enacting party, and the United States in Congress assembled the recipient of delegated power — and that power delegated with such a penurious and carking hand that it had more the aspect of a revocation of the Declaration of Independence than an instrument to carry it into effect.

None of these indispensably necessary powers were ever conferred by the State legislatures upon the Congress of the federation; and well was it that they never were. The system itself was radically defective. Its incurable disease was an apostasy from the principles of the Declaration of Independence. A substitution of separate State sovereignties, in the place of the constituent sovereignty of the people, was the basis of the Confederate Union.

In the Congress of the confederation, the master minds of James Madison and Alexander Hamilton were constantly engaged through the closing years of the Revolutionary War and those of peace which immediately succeeded. That of John Jay was associated with them shortly after the peace, in the capacity of secretary to the Congress for foreign affairs. The incompetency of the articles of confederation for the management of the affairs of the Union at home and abroad was demonstrated to them by the painful and mortifying experience of every day. Washington, though in retirement, was brooding over the cruel injustice suffered by his associates in arms, the warriors of the Revolution; over the prostration of the public credit and the faith of the nation, in the neglect to provide for the payment even of the interest upon the public debt; over the disappointed hopes of the friends of freedom; in the language of the address from Congress to the States of the eighteenth of April, 1783 — "the pride and boast of America, that the rights for which she contended were the rights of human nature."

At his residence at Mount Vernon, in March 1785, the first idea was started of a revisal of the articles of confederation, by an organization, of means differing from that of a compact between the State legislatures and their own delegates in Congress. A convention of delegates from the State legislatures, independent of the Congress itself, was the expedient which presented itself for effecting the purpose, and an augmentation of the powers of Congress for the regulation of commerce, as the

object for which this assembly was to be convened. In January 1786 the proposal was made and adopted in the legislature of Virginia, and communicated to the other State legislatures.

The convention was held at Annapolis, in September of that year. It was attended by delegates from only five of the central States, who, on comparing their restricted powers with the glaring and universally acknowledged defects of the confederation, reported only a recommendation for the assemblage of another convention of delegates to meet at Philadelphia, in May 1787, from all the States, and with enlarged powers.

The Constitution of the United States was the work of this convention. But in its construction the convention immediately perceived that they must retrace their steps, and fall back from a league of friendship between sovereign States to the constituent sovereignty of the people; from power to right — from the irresponsible despotism of State sovereignty to the self-evident truths of the Declaration of Independence. In that instrument, the right to institute and to alter governments among men was ascribed exclusively to the people — the ends of government were declared to be to secure the natural rights of man; and that when the government degenerates from the promotion to the destruction of that end, the right and the duty accrues to the people to dissolve this degenerate government and to institute another. The signers of the Declaration further averred, that the one people of the United Colonies were then precisely in that situation — with a government degenerated into tyranny, and called upon by the laws of nature and of nature's God to dissolve that government and to institute another. Then, in the name and by the authority of the good people of the colonies, they pronounced the dissolution of their allegiance to the king, and their eternal separation from the nation of Great Britain — and declared the United Colonies independent States. And here as the representatives of the one people they had stopped. They did not require the confirmation of this act, for the power to make the declaration had already been conferred upon them by the people, delegating the power, indeed, separately in the separate colonies, not by colonial authority, but by the spontaneous revolutionary movement of the people in them all.

From the day of that Declaration, the constituent power of the people had never been called into action. A confederacy had been substituted in the place of a government, and State

sovereignty had usurped the constituent sovereignty of the people.

The convention assembled at Philadelphia had themselves no direct authority from the people. Their authority was all derived from the State legislatures. But they had the articles of confederation before them, and they saw and felt the wretched condition into which they had brought the whole people, and that the Union itself was in the agonies of death. They soon perceived that the indispensably needed powers were such as no State government, no combination of them, was by the principles of the Declaration of Independence competent to bestow. They could emanate only from the people. A highly respectable portion of the assembly, still clinging to the confederacy of States, proposed, as a substitute for the Constitution, a mere revival of the articles of confederation, with a grant of additional powers to the Congress. Their plan was respectfully and thoroughly discussed, but the want of a government and of the sanction of the people to the delegation of powers happily prevailed. A constitution for the people, and the distribution of legislative, executive, and judicial powers was prepared. It announced itself as the work of the people themselves; and as this was unquestionably a power assumed by the convention, not delegated to them by the people, they religiously confined it to a simple power to propose, and carefully provided that it should be no more than a proposal until sanctioned by the confederation Congress, by the State legislatures, and by the people of the several States, in conventions specially assembled, by authority of their legislatures, for the single purpose of examining and passing upon it.

And thus was consummated the work commenced by the Declaration of Independence — a work in which the people of the North American Union, acting under the deepest sense of responsibility to the Supreme Ruler of the universe, had achieved the most transcendent act of power that social man in his mortal condition can perform — even that of dissolving the ties of allegiance by which he is bound to his country; of renouncing that country itself; of demolishing its government; of instituting another government; and of making for himself another country in its stead.

And on that day, of which you now commemorate the fiftieth anniversary,— on that thirtieth day of April, 1789,— was this mighty revolution, not only in the affairs of our own country,

but in the principles of government over civilized man, accomplished.

The revolution itself was a work of thirteen years — and had never been completed until that day. The Declaration of Independence and the Constitution of the United States are parts of one consistent whole, founded upon one and the same theory of government, then new in practice, though not as a theory, for it had been working itself into the mind of man for many ages, and had been especially expounded in the writings of Locke, though it had never before been adopted by a great nation in practice.

There are yet, even at this day, many speculative objections to this theory. Even in our own country, there are still philosophers who deny the principles asserted in the Declaration, as self-evident truths — who deny the natural equality and inalienable rights of man — who deny that the people are the only legitimate source of power — who deny that all just powers of government are derived from the consent of the governed. Neither your time, nor perphaps the cheerful nature of this occasion, permit me here to enter upon the examination of this anti-revolutionary theory, which arrays State sovereignty against the constituent sovereignty of the people, and distorts the Constitution of the United States into a league of friendship between confederate corporations. I speak to matters of fact. There is the Declaration of Independence, and there is the Constitution of the United States — let them speak for themselves. The grossly immoral and dishonest doctrine of despotic State sovereignty, the exclusive judge of its own obligations, and responsible to no power on earth or in heaven, for the violation of them, is not there. The Declaration says, it is not in me. The Constitution says, it is not in me.

enthusiasm, may deprive me of that accuracy of judgment and expression which men of cooler passions may possess. Let me beseech you, then, to hear me with caution, to examine your prejudice, and to correct the mistakes into which I may be hurried by my zeal.

Truth loves an appeal to the common sense of mankind. Your unperverted understandings can best determine on subjects of a practical nature. The positions and plans which are said to be above the comprehension of the multitude may be always suspected to be visionary and fruitless. He who made all men hath made the truths necessary to human happiness obvious to all.

Our forefathers threw off the yoke of Popery in religion; for you is reserved the honor of leveling the popery of politics. They opened the Bible to all, and maintained the capacity of every man to judge for himself in religion. Are we sufficient for the comprehension of the sublimest spiritual truths, and unequal to material and temporal ones?

Heaven hath trusted us with the management of things for eternity, and man denies us ability to judge of the present, or to know from our feelings the experience that will make us happy. "You can discern," they say, objects distant and remote, but cannot perceive those within your grasp. Let us have the distribution of present goods, and cut out and manage as you please the interests of futurity." This day, I trust, the reign of political protestantism will commence. We have explored the temple of royalty, and found that the idol we have bowed down to has eyes which see not, ears that hear not our prayers, and a heart like the nether millstone. We have this day restored the Sovereign to whom alone men ought to be obedient. He reigns in Heaven, and with a propitious eye beholds his subjects assuming that freedom of thought and dignity of self-direction which he bestowed on them. From the rising to the setting sun, may his kingdom come!

Having been a slave to the influence of opinion early acquired, and distinctions generally received, I am ever inclined not to despise but pity those who are yet in darkness. But to the eye of reason what can be more clear than that all men have an equal right to happiness? Nature made no other distinction than that of higher and lower degrees of power of mind and body. But what mysterious distribution of character has the craft of statesmen, more fatal than priestcraft, introduced?

According to their doctrine, the offspring of perhaps the lewd embraces of a successful invader shall, from generation to generation, arrogate the right of lavishing on their pleasures a proportion of the fruits of the earth, more than sufficient to supply the wants of thousands of their fellow-creatures; claim authority to manage them like beasts of burthen, and, without superior industry, capacity, or virtue, nay, though disgraceful to humanity, by their ignorance, intemperance, and brutality, shall be deemed best calculated to frame laws and to consult for the welfare of society.

Were the talents and virtues which heaven has bestowed on men given merely to make them more obedient drudges, to be sacrificed to the follies and ambition of a few? Or, were not the noble gifts so equally dispensed with a divine purpose and law, that they should as nearly as possible be equally exerted, and the blessings of Providence be equally enjoyed by all? Away, then, with those absurd systems which to gratify the pride of a few debase the greater part of our species below the order of men. What an affront to the King of the universe, to maintain that the happiness of a monster, sunk in debauchery and spreading desolation and murder among men, of a Caligula, a Nero, or a Charles, is more precious in his sight than that of millions of his suppliant creatures, who do justice, love mercy, and walk humbly with their God! No, in the judgment of heaven there is no other superiority among men than a superiority in wisdom and virtue. And can we have a safer model in forming ours? The Deity, then, has not given any order or family of men authority over others; and if any men have given it, they only could give it for themselves. Our forefathers, 'tis said, consented to be subject to the laws of Great Britain. I will not, at present, dispute it, nor mark out the limits and conditions of their submission; but will it be denied that they contracted to pay obedience and to be under the control of Great Britain because it appeared to them most beneficial in their then present circumstances and situations? We, my countrymen, have the same right to consult and provide for our happiness which they had to promote theirs. If they had a view to posterity in their contracts, it must have been to advance the felicity of their descendants. If they erred in their expectations and prospects, we can never be condemned for a conduct which they would have recommended had they foreseen our present condition.

Ye darkeners of counsel, who would make the property, lives, and religion of millions depend on the evasive interpretations of musty parchments; who would send us to antiquated charters of uncertain and contradictory meaning, to prove that the present generation are not bound to be victims to cruel and unforgiving despotism, tell us whether our pious and generous ancestors bequeathed to us the miserable privilege of having the rewards of our honesty, industry, the fruits of those fields which they purchased and bled for, wrested from us at the will of men over whom we have no check. Did they contract for us that, with folded arms, we should expect that justice and mercy from brutal and inflamed invaders which have been denied to our supplications at the foot of the throne? Were we to hear our character as a people ridiculed with indifference? Did they promise for us that our meekness and patience should be insulted; our coasts harassed, our towns demolished and plundered, and our wives and offspring exposed to nakedness, hunger, and death, without our feeling the resentment of men, and exerting those powers of self-preservation which God has given us? No man had once a greater veneration for Englishmen than I entertained. They were dear to me as branches of the same parental trunk, and partakers of the same religion and laws; I still view with respect the remains of the constitution as I would a lifeless body, which had once been animated by a great and heroic soul. But when I am aroused by the din of arms; when I behold legions of foreign assassins, paid by Englishmen to imbrue their hands in our blood; when I tread over the uncoffined bodies of my countrymen, neighbors, and friends; when I see the locks of a venerable father torn by savage hands, and a feeble mother, clasping her infants to her bosom, and on her knees imploring their lives from her own slaves, whom Englishmen have allured to treachery and murder; when I behold my country, once the seat of industry, peace, and plenty, changed by Englishmen to a theatre of blood and misery, Heaven forgive me, if I cannot root out those passions which it has implanted in my bosom, and detest submission to a people who have either ceased to be human, or have not virtue enough to feel their own wretchedness and servitude!

Men who content themselves with the semblance of truth, and a display of words, talk much of our obligations to Great Britain for protection. Had she a single eye to our advantage?

A nation of shopkeepers are very seldom so disinterested. Let us not be so amused with words; the extension of her commerce was her object. When she defended our coasts, she fought for her customers, and convoyed our ships loaded with wealth, which we had acquired for her by our industry. She has treated us as beasts of burthen, whom the lordly masters cherish that they may carry a greater load. Let us inquire also against whom she has protected us? Against her own enemies with whom we had no quarrel, or only on her account, and against whom we always readily exerted our wealth and strength when they were required. Were these colonies backward in giving assistance to Great Britain, when they were called upon in 1739 to aid the expedition against Carthagena? They at that time sent three thousand men to join the British army, although the war commenced without their consent. But the last war, 'tis said, was purely American. This is a vulgar error, which, like many others, has gained credit by being confidently repeated. The dispute between the courts of Great Britain and France related to the limits of Canada and Nova Scotia. The controverted territory was not claimed by any in the colonies, but by the crown of Great Britain. It was therefore their own quarrel. The infringement of a right which England had, by the treaty of Utrecht, of trading in the Indian country of Ohio, was another cause of the war. The French seized large quantities of British manufacture and took possession of a fort which a company of British merchants and factors had erected for the security of their commerce. The war was therefore waged in defense of lands claimed by the crown, and for the protection of British property. The French at that time had no quarrel with America, and, as appears by letters sent from their commander-in-chief, to some of the colonies, wished to remain in peace with us. The part, therefore, which we then took, and the miseries to which we exposed ourselves, ought to be charged to our affection to Britain. These colonies granted more than their proportion to the support of the war. They raised, clothed, and maintained nearly twenty-five thousand men, and so sensible were the people of England of our great exertions, that a message was annually sent to the House of Commons purporting, "that his Majesty, being highly satisfied with the zeal and vigor with which his faithful subjects in North America had exerted them-

selves in defense of his Majesty's just rights and possessions, recommend it to the House to take the same into consideration, and enable him to give them a proper compensation."

But what purpose can arguments of this kind answer? Did the protection we received annul our rights as men, and lay us under an obligation of being miserable?

Who among you, my countrymen, that is a father, would claim authority to make your child a slave because you had nourished him in infancy?

'Tis a strange species of generosity which requires a return infinitely more valuable than anything it could have bestowed; that demands as a reward for a defense of our property a surrender of those inestimable privileges, to the arbitrary will of vindictive tyrants, which alone give value to that very property.

Political right and public happiness are different words for the same idea. They who wander into metaphysical labyrinths, or have recourse to original contracts, to determine the rights of men, either impose on themselves or mean to delude others. Public utility is the only certain criterion. It is a test which brings disputes to a speedy decision, and makes its appeal to the feelings of mankind. The force of truth has obliged men to use arguments drawn from this principle who were combating it, in practice and speculation. The advocates for a despotic government and nonresistance to the magistrate employ reasons in favor of their systems drawn from a consideration of their tendency to promote public happiness.

The Author of Nature directs all his operations to the production of the greatest good, and has made human virtue to consist in a disposition and conduct which tends to the common felicity of his creatures. An abridgement of the natural freedom of men, by the institutions of political societies, is vindicable only on this foot. How absurd, then, is it to draw arguments from the nature of civil society for the annihilation of those very ends which society was intended to procure! Men associate for their mutual advantage. Hence, the good and happiness of the members, that is, the majority of the members, of any State, is the great standard by which everything relating to that State must finally be determined; and though it may be supposed that a body of people may be bound by a voluntary resignation (which they have been so infatuated as to make) of all their interests to a

single person, or to a few, it can never be conceived that the resignation is obligatory to their posterity; because it is manifestly contrary to the good of the whole that it should be so.

These are the sentiments of the wisest and most virtuous champions of freedom. Attend to a portion on this subject from a book in our own defense, written, I had almost said, by the pen of inspiration. "I lay no stress," says he, "on charters; they derive their rights from a higher source. It is inconsistent with common sense to imagine that any people would ever think of settling in a distant country on any such condition, or that the people from whom they withdrew should forever be masters of their property, and have power to subject them to any modes of government they pleased. And had there been expressed stipulations to this purpose in all the charters of the colonies, they would, in my opinion, be no more bound by them, than if it had been stipulated with them that they should go naked, or expose themselves to the incursions of wolves and tigers."

Such are the opinions of every virtuous and enlightened patriot in Great Britain. Their petition to heaven is, "That there may be one free country left upon earth, to which they may fly, when venality, luxury, and vice shall have completed the ruin of liberty there."

Courage, then, my countrymen, our contest is not only whether we ourselves shall be free, but whether there shall be left to mankind an asylum on earth for civil and religious liberty. Dismissing, therefore, the justice of our cause, as incontestable, the only question is, What is best for us to pursue in our present circumstances?

The doctrine of dependence on Great Britain is, I believe, generally exploded; but as I would attend to the honest weakness of the simplest of men, you will pardon me if I offer a few words on that subject.

We are now on this continent, to the astonishment of the world, three millions of souls united in one cause. We have large armies, well disciplined and appointed, with commanders inferior to none in military skill, and superior in activity and zeal. We are furnished with arsenals and stores beyond our most sanguine expectations, and foreign nations are waiting to crown our success by their alliances. There are instances of, I would say, an almost astonishing Providence in our favor; our

success has staggered our enemies, and almost given faith to infidels; so we may truly say it is not our own arm which has saved us.

The hand of heaven appears to have led us on to be, perhaps, humble instruments and means in the great Providential dispensation which is completing. We have fled from the political Sodom; let us not look back, lest we perish and become a monument of infamy and derision to the world. For can we ever expect more unanimity and a better preparation for defense; more infatuation of counsel among our enemies, and more valor and zeal among ourselves? The same force and resistance which are sufficient to procure us our liberties will secure us a glorious independence and support us in the dignity of free, imperial States. We cannot suppose that our opposition has made a corrupt and dissipated nation more friendly to America, or created in them a greater respect for the rights of mankind. We can therefore expect a restoration and establishment of our privileges, and a compensation for the injuries we have received from their want of power, from their fears, and not from their virtues. The unanimity and valor which will effect an honorable peace can render a future contest for our liberties unnecessary. He who has strength to chain down the wolf is a madman if he let him loose without drawing his teeth and paring his nails.

From the day on which an accommodation takes place between England and America, on any other terms than as independent States, I shall date the ruin of this country. A politic minister will study to lull us into security, by granting us the full extent of our petitions. The warm sunshine of influence would melt down the virtue, which the violence of the storm rendered more firm and unyielding. In a state of tranquillity, wealth, and luxury, our descendants would forget the arts of war and the noble activity and zeal which made their ancestors invincible. Every art of corruption would be employed to loosen the bond of union which renders our resistance formidable. When the spirit of liberty which now animates our hearts and gives success to our arms is extinct, our numbers will accelerate our ruin and render us easier victims to tyranny. Ye abandoned minions of an infatuated ministry, if peradventure any should yet remain among us, remember that a Warren and Montgomery are numbered among the dead. Contemplate the mangled bodies of your countrymen, and then say, What should be the reward of

such sacrifices? Bid us and our posterity bow the knee, supplicate the friendship, and plough, and sow, and reap, to glut the avarice of the men who have let loose on us the dogs of war to riot in our blood and hunt us from the face of the earth? If ye love wealth better than liberty, the tranquillity of servitude than the animating contest of freedom,—go from us in peace. We ask not your counsels or arms. Crouch down and lick the hands which feed you. May your chains sit lightly upon you, and may posterity forget that ye were our countrymen!

To unite the supremacy of Great Britain and the liberty of America is utterly impossible. So vast a continent, and of such a distance from the seat of empire, will every day grow more unmanageable. The motion of so unwieldy a body cannot be directed with any dispatch and uniformity without committing to the Parliament of Great Britain powers inconsistent with our freedom. The authority and force which would be absolutely necessary for the preservation of the peace and good order of this continent would put all our valuable rights within the reach of that nation.

As the administration of government requires firmer and more numerous supports in proportion to its extent, the burdens imposed on us would be excessive, and we should have the melancholy prospect of their increasing on our posterity. The scale of officers, from the rapacious and needy commissioner to the haughty governor, and from the governor, with his hungry train, to perhaps a licentious and prodigal viceroy, must be upheld by you and your children. The fleets and armies which will be employed to silence your murmurs and complaints must be supported by the fruits of your industry.

And yet with all this enlargement of the expense and powers of government, the administration of it at such a distance, and over so extensive a territory, must necessarily fail of putting the laws into vigorous execution, removing private oppressions, and forming plans for the advancement of agriculture and commerce, and preserving the vast empire in any tolerable peace and security. If our posterity retain any spark of patriotism, they can never tamely submit to such burthens. This country will be made the field of bloody contention till it gain that independence for which nature formed it. It is, therefore, injustice and cruelty to our offspring, and would stamp us with the character of baseness and cowardice, to leave the salvation of this

country to be worked out by them with accumulated difficulty and danger.

Prejudice, I confess, may warp our judgments. Let us hear the decision of Englishmen on this subject, who cannot be suspected of partiality. "The Americans," they say, "are but little short of half our number. To this number they have grown from a small body of original settlers by a very rapid increase. The probability is that they will go on to increase, and that in fifty or sixty years they will be double our number, and form a mighty empire, consisting of a variety of States, all equal or superior to ourselves in all the arts and accomplishments which give dignity and happiness to human life. In that period will they be still bound to acknowledge that supremacy over them which we now claim? Can there be any person who will assert this, or whose mind does not revolt at the idea of a vast continent holding all that is valuable to it at the discretion of a handful of people on the other side of the Atlantic? But if at that period this would be unreasonable, what makes it otherwise now? Draw the line if you can. But there is still a greater difficulty."

Britain is now, I will suppose, the seat of liberty and virtue, and its legislature consists of a body of able and independent men, who govern with wisdom and justice. The time may come when all will be reversed; when its excellent constitution of government will be subverted; when, pressed by debts and taxes, it will be greedy to draw to itself an increase of revenue from every distant province, in order to ease its own burdens; when the influence of the crown, strengthened by luxury and a universal profligacy of manners, will have tainted every heart, broken down every fence of liberty, and rendered us a nation of tame and contented vassals; when a general election will be nothing but a general auction of boroughs, and when the Parliament, the grand council of the nation, and once the faithful guardian of the State, and a terror to evil ministers, will be degenerated into a body of sycophants, dependent and venal, always ready to confirm any measures, and little more than a public court for registering royal edicts. Such, it is possible, may, some time or other, be the state of Great Britain. What will, at that period, be the duty of the colonies? Will they be still bound to unconditional submission? Must they always continue an appendage to our government and follow it implicitly through every change

that can happen to it? Wretched condition, indeed, of millions of freemen as good as ourselves! Will you say that we now govern equitably, and that there is no danger of such revolution? Would to God that this were true! But you will not always say the same. Who shall judge whether we govern equitably or not? Can you give the colonies any security that such a period will never come? No. THE PERIOD, COUNTRYMEN, IS ALREADY COME! The calamities were at our door. The rod of oppression was raised over us. We were roused from our slumbers, and may we never sink into repose until we can convey a clear and undisputed inheritance to our posterity! This day we are called upon to give a glorious example of what the wisest and best of men were rejoiced to view, only in speculation. This day presents the world with the most august spectacle that its annals ever unfolded,—millions of freemen, deliberately and voluntarily forming themselves into a society for their common defense and common happiness. Immortal spirits of Hampden, Locke, and Sidney, will it not add to your benevolent joys to behold your posterity rising to the dignity of men, and evincing to the world the reality and expediency of your systems, and in the actual enjoyment of that equal liberty, which you were happy, when on earth, in delineating and recommending to mankind?

Other nations have received their laws from conquerors; some are indebted for a constitution to the suffering of their ancestors through revolving centuries. The people of this country, alone, have formally and deliberately chosen a government for themselves, and with open and uninfluenced consent bound themselves into a social compact. Here no man proclaims his birth or wealth as a title to honorable distinction, or to sanctify ignorance and vice with the name of hereditary authority. He who has most zeal and ability to promote public felicity, let him be the servant of the public. This is the only line of distinction drawn by nature. Leave the bird of night to the obscurity for which nature intended him, and expect only from the eagle to brush the clouds with his wings and look boldly in the face of the sun.

Some who would persuade us that they have tender feelings for future generations, while they are insensible to the happiness of the present, are perpetually foreboding a train of dissensions under our popular system. Such men's reasoning amounts to this: Give up all that is valuable to Great Britain and then you will have no inducements to quarrel among yourselves; or, suffer

yourselves to be chained down by your enemies that you may not be able to fight with your friends.

This is an insult on your virtue as well as your common sense. Your unanimity this day and through the course of the war is a decisive refutation of such invidious predictions. Our enemies have already had evidence that our present constitution contains in it the justice and ardor of freedom and the wisdom and vigor of the most absolute system. When the law is the will of the people, it will be uniform and coherent; but fluctuation, contradiction, and inconsistency of councils must be expected under those governments where every revolution in the ministry of a court produces one in the State — such being the folly and pride of all ministers, that they ever pursue measures directly opposite to those of their predecessors.

We shall neither be exposed to the necessary convulsions of elective monarchies, nor to the want of wisdom, fortitude, and virtue, to which hereditary succession is liable. In your hands it will be to perpetuate a prudent, active, and just legislature, and which will never expire until you yourselves loose the virtues which give it existence.

And, brethren and fellow-countrymen, if it was ever granted to mortals to trace the designs of Providence, and interpret its manifestations in favor of their cause, we may, with humility of soul, cry out, "Not unto us, not unto us, but to thy Name be the praise!" The confusion of the devices among our enemies, and the rage of the elements against them, have done almost as much towards our success as either our councils or our arms.

The time at which this attempt on our liberty was made, when we were ripened into maturity, had acquired a knowledge of war, and were free from the incursions of enemies in this country; the gradual advances of our oppressors enabling us to prepare for our defense; the unusual fertility of our lands and clemency of the seasons; the success which at first attended our feeble arms, producing unanimity among our friends and reducing our internal foes to acquiescence — these are all strong and palpable marks and assurances that Providence is yet gracious unto Zion, that it will turn away the captivity of Jacob.

Our glorious reformers when they broke through the fetters of superstition effected more than could be expected from an

age so darkened. But they left much to be done by their posterity. They lopped off, indeed, some of the branches of Popery, but they left the root and stock when they left us under the domination of human systems and decisions, usurping the infallibility which can be attributed to Revelation alone. They dethroned one usurper only to raise up another; they refused allegiance to the Pope only to place the civil magistrate in the throne of Christ, vested with authority to enact laws and inflict penalties in his kingdom. And if we now cast our eyes over the nations of the earth, we shall find that, instead of possessing the pure religion of the Gospel, they may be divided either into infidels, who deny the truth; or politicians who make religion a stalking horse for their ambition; or professors, who walk in the trammels of orthodoxy, and are more attentive to traditions and ordinances of men than to the oracles of truth.

The civil magistrate has everywhere contaminated religion by making it an engine of policy; and freedom of thought and the right of private judgment, in matters of conscience, driven from every other corner of the earth, direct their course to this happy country as their last asylum. Let us cherish the noble guests, and shelter them under the wings of a universal toleration! Be this the seat of unbounded religious freedom. She will bring with her in her train, industry, wisdom, and commerce. She thrives most when left to shoot forth in her natural luxuriance, and asks from human policy only not to be checked in her growth by artificial encouragements.

Thus, by the beneficence of Providence, we shall behold our empire arising, founded on justice and the voluntary consent of the people, and giving full scope to the exercise of those faculties and rights which most ennoble our species. Besides the advantages of liberty and the most equal constitution, Heaven has given us a country with every variety of climate and soil, pouring forth in abundance whatever is necessary for the support, comfort, and strength of a nation. Within our own borders we possess all the means of sustenance, defense, and commerce; at the same time, these advantages are so distributed among the different States of this continent, as if nature had in view to proclaim to us: Be united among yourselves and you will want nothing from the rest of the world.

The more northern States most amply supply us with every necessary, and many of the luxuries of life; with iron, timber,

and masts for ships of commerce or of war; with flax for the manufacture of linen, and seed either for oil or exportation.

So abundant are our harvests, that almost every part raises more than double the quantity of grain requisite for the support of the inhabitants. From Georgia and the Carolinas we have, as well for our own wants as for the purpose of supplying the wants of other powers, indigo, rice, hemp, naval stores, and lumber.

Virginia and Maryland teem with wheat, Indian corn, and tobacco. Every nation whose harvest is precarious, or whose lands yield not those commodities which we cultivate, will gladly exchange their superfluities and manufactures for ours.

We have already received many and large cargoes of clothing, military stores, etc., from our commerce with foreign powers, and, in spite of the efforts of the boasted navy of England, we shall continue to profit by this connection.

The want of our naval stores has already increased the price of these articles to a great height, especially in Britain. Without our lumber, it will be impossible for those haughty islanders to convey the products of the West Indies to their own ports; for a while they may with difficulty effect it, but, without our assistance, their resources soon must fail. Indeed, the West India Islands appear as the necessary appendages to this our empire. They must owe their support to it, and ere long, I doubt not, some of them will, from necessity, wish to enjoy the benefit of our protection.

These natural advantages will enable us to remain independent of the world, or make it the interest of European powers to court our alliance, and aid in protecting us against the invasion of others. What argument, therefore, do we want to show the equity of our conduct; or motive of interest to recommend it to our prudence? Nature points out the path, and our enemies have obliged us to pursue it.

If there is any man so base or so weak as to prefer a dependence on Great Britain to the dignity and happiness of living a member of a free and independent nation, let me tell him that necessity now demands what the generous principle of patriotism should have dictated.

We have no other alternative than independence, or the most ignominious and galling servitude. The legions of our enemies thicken on our plains; desolation and death mark their bloody

career; whilst the mangled corpses of our countrymen seem to cry out to us as a voice from heaven:—

"Will you permit our posterity to groan under the galling chains of our murderers? Has our blood been expended in vain? Is the only benefit which our constancy till death has obtained for our country, that it should be sunk into a deeper and more ignominious vassalage? Recollect who are the men that demand your submission, to whose decrees you are invited to pay obedience. Men who, unmindful of their relation to you as brethren; of your long implicit submission to their laws; of the sacrifice which you and your forefathers made of your natural advantages for commerce to their avarice; formed a deliberate plan to wrest from you the small pittance of property which they had permitted you to acquire. Remember that the men who wish to rule over you are they who, in pursuit of this plan of despotism, annulled the sacred contracts which they had made with your ancestors; conveyed into your cities a mercenary soldiery to compel you to submission by insult and murder; who called your patience cowardice, your piety hypocrisy."

Countrymen, the men who now invite you to surrender your rights into their hands are the men who have let loose the merciless savages to riot in the blood of their brethren; who have dared to establish Popery triumphant in our land; who have taught treachery to your slaves, and courted them to assassinate your wives and children.

These are the men to whom we are exhorted to sacrifice the blessings which Providence holds out to us; the happiness, the dignity, of uncontrolled freedom and independence.

Let not your generous indignation be directed against any among us who may advise so absurd and maddening a measure. Their number is but few, and daily decreases; and the spirit which can render them patient of slavery will render them contemptible enemies.

Our Union is now complete; our constitution composed, established, and approved. You are now the guardians of your own liberties. We may justly address you, as the *decemviri* did the Romans, and say, "Nothing that we propose can pass into a law without your consent. Be yourselves, O Americans, the authors of those laws on which your happiness depends."

You have now in the field armies sufficient to repel the whole force of your enemies and their base and mercenary auxiliaries. The hearts of your soldiers beat high with the spirit of freedom;

they are animated with the justice of their cause, and while they grasp their swords can look up to Heaven for assistance. Your adversaries are composed of wretches who laugh at the rights of humanity, who turn religion into derision, and would, for higher wages, direct their swords against their leaders or their country. Go on, then, in your generous enterprise with gratitude to Heaven for past success, and confidence of it in the future. For my own part, I ask no greater blessing than to share with you the common danger and common glory. If I have a wish dearer to my soul than that my ashes may be mingled with those of a Warren and Montgomery, it is that these American States may never cease to be free and independent.

ÆLRED

(1109–1166)

SAINT ÆLRED, EALRED, or ETHELRED, was abbot of the Cistercian monastery at Rievaulx, Yorkshire, in the twelfth century. Thirty-two of his sermons, collected and published by Richard Gibbon, remain as examples of the pulpit eloquence of his age; but not very much is remembered of Ælred himself except that he was virtuous enough to be canonized, and was held in high estimation as a preacher during the Middle Ages. He died in 1166.

His command of language is extraordinary, and he is remarkable for the cumulative power with which he adds clause to clause and sentence to sentence, in working towards a climax.

A FAREWELL

IT IS time that I should begin the journey to which the law of our order compels me, desire incites me, and affection calls me. But how, even for so short a time, can I be separated from my beloved ones? Separated, I say, in body, and not in spirit; and I know that in affection and spirit I shall be so much the more present by how much in body I am the more absent. I speak after the manner of men because of the infirmity of my flesh; my wish is, that I may lay down among you the tabernacle of my flesh, that I may breathe forth my spirit in your hands, that ye may close the eyes of your father, and that all my bones should be buried in your sight! Pray, therefore, O my beloved ones, that the Lord may grant me the desire of my soul. Call to mind, dearest brethren, that it is written of the Lord Jesus, when he was about to remove his presence from his Disciples, that he, being assembled together with them, commanded them that they should not depart from Jerusalem. Following, therefore, his example, since, after our sweet banquet, we have now risen from the table, I, who in a little while am about to go away, command you, beseech you, warn you, not to depart from Jerusalem. For Jerusalem signifies peace. Therefore, we commend peace to you, we enjoin peace to you. Now, Christ

himself, our Peace, who hath united us, keep you in the unity of the spirit and in the bond of peace; to whose protection and consolation I commend you under the wings of the Holy Ghost; that he may return you to me, and me to you in peace and with safety. Approach now, dearest sons, and in sign of the peace and love which I have commended to you, kiss your father; and let us all pray together that the Lord may make our way prosperous, and grant us when we return to find you in the same peace, who liveth and reigneth one God, through all ages of ages. Amen.

A SERMON AFTER ABSENCE

BEHOLD, I have returned, my beloved sons, my joy and my crown in the Lord! Behold! I have returned after many labors, after a dangerous journey; I am returned to you, I am returned to your love. This day is the day of exultation and joy, which, when I was in a foreign land, when I was struggling with the winds and with the sea, I so long desired to behold; and the Lord hath heard the desire of the poor. O love, how sweetly thou inflamest those that are absent! How deliciously thou feedest those that are present; and yet dost not satisfy the hungry till thou makest Jerusalem to have peace and fillest it with the flour of wheat! This is the peace which, as you remember, I commended to you when the law of our order compelled me for a time to be separated from you; the peace which, now I have returned, I find (Thanks be to God!) among you; the peace of Christ, which, with a certain foretaste of love, feeds you in the way that shall satisfy you with the plentitude of the same love in your country. Well, beloved brethren, all that I am, all that I have, all that I know, I offer to your profit, I devote to your advantage. Use me as you will; spare not my labor if it can in any way serve to your benefit. Let us return, therefore, if you please, or rather because you please, to the work which we have intermitted; and let us examine the Holy Ghost enduing us with the light of truth, the heavenly treasures which holy Isaiah has laid up under the guise of parables, when he writes that parable which the people, freed from his tyranny, shall take up against the king of Babylon. "And it shall come to pass in the day that the Lord shall give thee rest from thy sorrow, and from thy

fear, and from the hard bondage wherein thou wast made to serve, that thou shalt take up this parable against the king of Babylon." Let us, therefore, understand the parable as a parable. Not imagining that it was spoken against Nebuchadnezzar, the prince of that earthly Babylon, but rather against him who is from the North, the prince of confusion. . . . If any one of us, then, who was once set in the confusion of vices, and oppressed by the yoke of iniquity, now rejoices that he rests from his labors, and is without confusion for that which is past, and has cast off the yoke of that worst of slaveries, let him take up this parable against the king of Babylon. There is labor in vice, there is rest in virtue; there is confusion in lust, there is security in chastity; there is servitude in covetousness, there is liberty in charity. Now, there is a labor in vice, and labor for vice, and labor against vice. A labor in vice, when, for the sake of fulfilling our evil desires, the ancient enemy inflicts hard labor upon us. There is a labor for vice, when any one is either afflicted against his will, for the evil which he has done, or of his will is troubled by the labor of penance. There is a labor against vice, when he that is converted to God is troubled with divers temptations. There is also a confusion in vice, when a man, distracted by most evil passions, is not ruled by reason, but hurried along confusedly by the tumult of vices; a confusion for vice, when a man is found out and convicted of any crime, and is therefore confounded, or when a man repenting and confessing what he has done is purified by healthful confusion and confession; and there is a confusion against vice, when a man, converted to God, resists the temptation from which he suffers, by the recollection of former confusion.

Wonder not if I have kept you longer to-day than my wont is, because desirous of you, after so long a hunger, I could not be easily satiated with your presence. Think not, indeed, that even now I am satiated; I leave off speaking because I am weary, not because I am satisfied. But I shall be satisfied when the glory of Christ shall appear, in whom I now embrace you with delight, you, with whom I hope that I shall be happily found in him, to whom is honor and glory to ages of ages. Amen.

ON MANLINESS

FORTITUDE comes next, which is necessary in temptation, since perfection of sanctity cannot be so uninterruptedly maintained in this life that its serenity will be disturbed by no temptations. But as our Lord God seems to us, in times when everything appears peaceful and tranquil, to be merciful and loving and the giver of joy, thus when he exposes us either to the temptations of the flesh, or to the suggestions of demons, or when he afflicts us with the troubles, or wears us out with the persecutions of this world, he seems, as it were, a hard and angry master. And happy is he who becomes valiant in this his anger, now resisting, now fighting, now flying, so as to be found neither infirm through consenting, nor weak through despairing. Therefore, brethren, whoever is not found valiant in his anger cannot exult in his glory. If we have passed through fire and water, so that neither did the fire consume us, nor the water drown us, whose is the glory? Is it ours, so that we should exult in it as if it belonged to us? God forbid! How many exult, brethren, when they are praised by men, taking the glory of the gifts of God as if it were their own and not exulting in the honor of Christ, who, while they seek that which is their own and not the things of Jesus Christ, both lose that which is their own and do not gain that which is Christ's! He then exults in Christ's glory, who seeks not his glory but Christ's, and he understands that, in ourselves, there is nothing of which we can boast, since we have nothing that is our own. And this is the way in which, in individual men, the City of Confusion is overthrown, when chastity expels luxury, fortitude overthrows temptations, humility excludes vanity. Furthermore, we have sanctification from the faith and sacraments of Christ, fortitude from the love of Christ, exultation in the hope of the promises of Christ. Let us each do what we can, that faith may sanctify us, love strengthen us, and hope make us joyful in Christ Jesus our Lord, to whom be honor and glory forever and forever. Amen.

ÆSCHINES

(389–314 B. C.)

PROFESSOR R. C. JEBB says of Æschines, the rival of Demosthenes for supremacy at Athens, that when the Rhodians asked him to teach them oratory, he replied that he did not know it himself. He took pride in being looked upon as a representative of natural oratorical genius who had had little help from the traditions of the schools. "If, however, Æschines was no rhetorical artist," writes Doctor Jebb, "he brought to public speaking the twofold training of the actor and the scribe. He had a magnificent voice under perfect musical control. 'He compares me to the sirens,' says Æschines of his rival."

First known as an actor, playing "tritagonist" in the tragedies of Sophocles and the other great Athenian dramatists, Æschines was afterwards clerk to one of the minor officials at Athens; then secretary to Aristophon and Eubulos, well-known public men, and later still secretary of the *ekklesia* or assembly.

The greatest event of his life was his contest with Demosthenes 'De Corona' (Over the Crown). When Ktesiphon proposed that Athens should bestow a wreath of gold on Demosthenes for his public services, Æschines, after the bill proposing it had come before the assembly, challenged it and gave notice of his intention to proceed against Ktesiphon for proposing an unconstitutional measure. One of the allegations in support of its unconstitutionality was that "to record a bill describing Demosthenes as a public benefactor was to deposit a lying document among the public archives." The issues were thus joined between Æschines and Demosthenes for one of the most celebrated forensic contests in history. Losing the case Æschines went into banishment. He died at Samos, B. C. 314, in his seventy-fifth year. He is generally ranked next to Demosthenes among Greek orators. For the following from the oration of Æschines, the reader is under obligations to Professor Jebb's admirable translation.

AGAINST CROWNING DEMOSTHENES

(Against Ktesiphon)

OUR days have not fallen on the common chances of mortal life. We have been set to bequeath a story of marvels to posterity. Is not the king of Persia, he who cut through Athos, and bridged the Hellespont, he who demands earth and water from the Greeks, he who in his letters presumes to style himself lord of all men from the sunrise to the sunset, is he not struggling at this hour, no longer for authority over others, but for his own life? Do you not see the men who delivered the Delphian temple invested not only with that glory but with the leadership against Persia? While Thebes — Thebes, our neighbor city—has been in one day swept from the face of Greece —justly it may be in so far as her general policy was erroneous, yet in consequence of a folly which was no accident, but the judgment of heaven. The unfortunate Lacedæmonians, though they did but touch this affair in its first phase by the occupation of the temple,—they who once claimed the leadership of Greece, —are now to be sent to Alexander in Asia to give hostages, to parade their disasters, and to hear their own and their country's doom from his lips, when they have been judged by the clemency of the master they provoked. Our city, the common asylum of the Greeks, from which, of old, embassies used to come from all Greece to obtain deliverance for their several cities at our hands, is now battling, no more for the leadership of Greece, but for the ground on which it stands. And these things have befallen us since Demosthenes took the direction of our policy. The poet Hesiod will interpret such a case. There is a passage meant to educate democracies and to counsel cities generally, in which he warns us not to accept dishonest leaders. I will recite the lines myself, the reason, I think, for our learning the maxims of the poets in boyhood being that we may use them as men:—

> "Oft hath the bad man been the city's bane;
> Oft hath his sin brought to the sinless pain;
> Oft hath all-seeing Heaven sore vexed the town
> With dearth and death and brought the people down;
> Cast down their walls and their most valiant slain,
> And on the seas made all their navies vain!"

Strip these lines of their poetic garb, look at them closely, and I think you will say these are no mere verses of Hesiod — that they are a prophecy of the administration of Demosthenes, for by the agency of that administration our ships, our armies, our cities have been swept from the earth. . . . "O yes," it will be replied, "but then he is a friend of the constitution." If, indeed, you have a regard only to his delicacy you will be deceived as you were before, but not if you look at his character and at the facts. I will help you to estimate the characteristics which ought to be found in a friend of the constitution; in a sober-minded citizen. I will oppose to them the character that may be looked for in an unprincipled revolutionist. Then you shall draw your comparison and consider on which part he stands — not in his language, remember, but in his life. Now all, I think, will allow that these attributes should belong to a friend of the constitution: First, that he should be of free descent by both parents so that the disadvantage of birth may not embitter him against those laws which preserve the democracy. Second, that he should be able to show that some benefit has been done to the people by his ancestors; or, at the worst, that there had been no enmity between them which would prompt him to revenge the misfortunes of his fathers on the State. Third, he should be virtuous and temperate in his private life, so that no profligate expense may lead him into taking bribes to the hurt of the people. Next, he should be sagacious and able to speak — since our ideal is that the best course should be chosen by the intelligence and then commended to his hearers by the trained eloquence of the orator, — though, if we cannot have both, sagacity must needs take rank before eloquence. Lastly, he must have a stout heart or he may play the country false in the crisis of danger or of war. The friend of oligarchy must be the opposite of all this. I need not repeat the points. Now, consider: How does Demosthenes answer to these conditions?

[After accusing Demosthenes of being by parentage half a Scythian, Greek in nothing but language, the orator proceeds:] —

In his private life, what is he? The tetrarch sank to rise a pettifogger, a spendthrift, ruined by his own follies. Then having got a bad name in this trade, too, by showing his speeches to the other side, he bounded on the stage of public life, where his profits out of the city were as enormous as his savings were

small. Now, however, the flood of royal gold has floated his extravagance. But not even this will suffice. No wealth could ever hold out long against vice. In a word, he draws his livelihood not from his own resources but from your dangers. What, however, are his qualifications in respect to sagacity and to power of speech? A clever speaker, an evil liver! And what is the result to Athens? The speeches are fair; the deeds are vile! Then as to courage I have a word to say. If he denied his cowardice or if you were not aware of it, the topic might have called for discussion, but since he himself admits in the assemblies and you know it, it remains only to remind you of the laws on the subject. Solon, our ancient lawgiver, thought the coward should be liable to the same penalties as the man who refuses to serve or who has quitted his post. Cowardice, like other offenses, is indictable.

[Some of you will, perhaps, ask in amazement: Is a man to be indicted for his temperament? He is. And why? In order that every one of us fearing the penalties of the law more than the enemy may be the better champion of his country. Accordingly, the lawgiver excludes alike the man who declines service, the coward, and the deserter of his post, from the lustral limits in the market place, and suffers no such person to receive a wreath of honor or to enter places of public worship. But you, Ktesiphon, exhort us to set a crown on the head to which the laws refuse it. You by your private edict call a forbidden guest into the forefront of our solemn festival, and invite into the temple of Dionysos that dastard by whom all temples have been betrayed.] . . . Remember then, Athenians, that the city whose fate rests with you is no alien city, but your own. Give the prizes of ambition by merit, not by chance. Reserve your rewards for those whose manhood is truer, whose characters are worthier. Look at each other and judge not only with your ears but with your eyes who of your number are likely to support Demosthenes. His young companions in the chase or the gymnasium? No, by the Olympian Zeus! He has not spent his life in hunting or in any healthful exercise, but in cultivating rhetoric to be used against men of property. [Think of his boastfulness when he claims by his embassy to have snatched Byzantium out of the hands of Philip, to have thrown the Acharnians into revolt, to have astonished the Thebans with his harangue! He thinks that you have reached the point of fatuity at which you

can be made to believe even this — as if your citizen were the deity of persuasion instead of a pettifogging mortal! And when, at the end of his speech, he calls as his advocates those who shared his bribes, imagine that you see upon this platform, where I now speak before you, an array drawn up to confront their profligacy — the benefactors of Athens: Solon, who set in order the Democracy by his glorious laws, the philosopher, the good legislator, entreating you with the gravity which so well became him never to set the rhetoric of Demosthenes above your oaths and above the laws; Aristides, who assessed the tribute of the Confederacy, and whose daughters after his death were dowered by the State — indignant at the contumely threatened to justice and asking: Are you not ashamed? When Arthmios of Zeleia brought Persian gold to Greece and visited Athens, our fathers well-nigh put him to death, though he was our public guest, and proclaimed him expelled from Athens and from all territory that the Athenians rule; while Demosthenes, who has not brought us Persian gold but has taken bribes for himself and has kept them to this day, is about to receive a golden wreath from you! And Themistokles, and they who died at Marathon and Platæa, aye, and the very graves of our forefathers — do you not think they will utter a voice of lamentation, if he who covenants with barbarians to work against Greece shall be — crowned!

FREDERICK A. AIKEN

(1810–1878)

IN DEFENDING the unpopular cause of the British soldiers who were engaged in the Boston Massacre, John Adams said:—

«May it please your honor and you, gentlemen of the jury, I am for the prisoner at the bar, and shall apologize for it only in the words of the Marquis of Beccaria: 'If I can but be the instrument of preserving one life, his blessings and tears of transport shall be a sufficient compensation to me for the contempt of all mankind.'»

Something of the same idea inspires the fine opening of Aiken's defense of Mrs. Surratt. It lacks the sinewy assertiveness of Adams's terse and almost defiant apology for doing his duty as a lawyer in spite of public opinion, but it justifies itself and the plea it introduces.

Until within the recent past, political antagonisms have been too strong to allow fair consideration for such orations as that of Aiken at the Surratt trial. But this is no longer the case. It can now be considered on its merits as an oration, without the assumption that it is necessary in connection with it to pass on the evidence behind it.

The assassins of President Lincoln were tried by military commission under the War Department's order of May 6th, 1865. The prosecution was conducted by Brigadier-General Joseph Holt, as judge advocate-general, with Brevet-Colonel H. L. Burnett, of Indiana, and Hon. John A. Bingham, of Ohio, assisting him. The attorneys for the defense were Reverdy Johnson, of Maryland; Thomas Ewing, of Kansas; W. E. Doster, of Pennsylvania; Frederick A. Aiken, of the District of Columbia; Walter S. Cox, John W. Clampit, and F. Stone, of Maryland. The fault of the Adams oration in the case of the Boston Massacre is one of excessive severity of logic. Aiken errs in the direction of excessive ornament, but, considering the importance of the occasion and the great stress on all engaged in the trial as well as on the public, the florid style may have served better than the force of severe logic could have done.

DEFENSE OF MRS. MARY E. SURRATT

FOR the lawyer as well as the soldier, there is an equally pleasant duty — an equally imperative command. That duty is to shelter the innocent from injustice and wrong, to protect the weak from oppression, and to rally at all times and all occasions, when necessity demands it, to the special defense of those whom nature, custom, or circumstance may have placed in dependence upon our strength, honor, and cherishing regard. That command emanates and reaches each class from the same authoritative and omnipotent source. It comes from a superior, whose right to command none dare question, and none dare disobey. In this command there is nothing of that *lex talionis* which nearly two thousand years ago nailed to the cross its Divine Author.

«Therefore all things whatsoever ye would that men should do to you, do ye even so unto them; for this is the law and the prophets.»

God has not only given us life, but he has filled the world with everything to make life desirable; and when we sit down to determine the taking away of that which we did not give, and which, when taken away, we cannot restore, we consider a subject the most solemn and momentous within the range of human thought and human action.

Profoundly impressed with the innocence of our client, we enter upon the last duty in her case with the heartfelt prayer that her honorable judges may enjoy the satisfaction of not having a single doubt left on their minds in granting her an acquittal, either as to the testimony affecting her, or by the surrounding circumstances of the case.

The first point that naturally arises in the presentation of the defense of our client is that which concerns the plea that has been made to the jurisdiction of the commission to try her — a plea which by no means implies anything against the intelligence, fairness, or integrity of the brilliant and distinguished officers who compose the court, but merely touches the question of the right of this tribunal, under the authority by which it is convoked. This branch of her case is left to depend upon the argument already submitted by her senior counsel, the *grande decus columenque* of his profession, and which is exhaustive

of the subject on which it treats. Therefore, in proceeding to the discussion of the merits of the case against her, the jurisdiction of the court, for the sake of argument, may be taken as conceded.

But, if it be granted that the jurisdiction is complete, the next preliminary inquiry naturally is as to the principles of evidence by which the great mass of accumulated facts is to be analyzed and weighed in the scales of justice and made to bias the minds of her judges; and it may be here laid down as a *concessum* in the case, that we are here in this forum, constrained and concluded by the same process, in this regard, that would bind and control us in any other court of civil origin having jurisdiction over a crime such as is here charged. For it is asserted in all the books that court-martial must proceed, so far as the acceptance and the analysis of evidence is concerned, upon precisely those reasonable rules of evidence which time and experience, *ab antiquo*, surviving many ages of judicial wisdom, have unalterably fixed as unerring guides in the administration of the criminal law. Upon this conceded proposition it is necessary to consume time by the multiplication of references. We are content with two brief citations from works of acknowledged authority.

In Greenleaf it is laid down:—

"That courts-martial are bound, *in general*, to observe the rules of the law of evidence by which the courts of criminal jurisdiction are governed." (3 Greenleaf, § 467.)

This covers all the great *general* principles of evidence, the points of difference being wholly as to minor matters.

And it is also affirmed in Benet:—

"That it has been laid down as an indisputable principle, that whenever a legislative act erects a new jurisdiction, without prescribing any particular rules of evidence to it, the common law will supply its own rules, from which it will not allow such newly-erected court to depart. The rules of evidence, then, that obtain in the criminal courts of the country must be the guides for the courts-martial; the end sought for being the truth, these rules laid down for the attainment of that end must be intrinsically the same in both cases. These rules constitute the law of evidence, and involve the quality, admissibility, and effect of evidence and its application to the purposes of truth." (Benet, pp. 226, 227.)

Therefore, all the facts that tend against the accused, and all those that make for her, are to be weighed and are to operate upon her conviction or acquittal precisely as they would in a court of law. If they present a case such as would there convict her, she may be found guilty here; and if, on the other hand, the rules of law upon these facts would raise any presumption or create any doubt, or force any conclusions that would acquit her in a court of law, then she must be discharged, upon the same principles by the commission. This is a point which, in our judgment, we cannot too strongly impress upon the minds of her judges. The extraordinary character of the crime — the assassination that removed from us the President of the United States — makes it most desirable that the findings of this tribunal shall be so well founded in reason as to satisfy and secure public confidence and approval; for many of the most material objects of the prosecution, and some of the most important ends of justice, will be defeated and frustrated if convictions and acquittals, and more especially the former, shall be adjudged upon the grounds that are notoriously insufficient.

Such a course of action would have a tendency to draw sympathy and support to the parties thus adjudged guilty, and would rob the result of this investigation of the wholesome support of professional and public opinion. The jurisdiction of the commission, for example, is a matter that has already provoked considerable criticism and much warm disapproval; but in the case of persons clearly found to be guilty, the public mind would easily overlook any doubts that might exist as to the regularity of the court in the just sentence that would overtake acknowledged criminals. Thus, if Booth himself and a party of men clearly proved, by ocular evidence or confession, to have aided him, were here tried and condemned, and, as a consequence, executed, not much stress, we think, would be laid by many upon the irregularity of the mode by which they should reach that just death which all good citizens would affirm to be their deserts. But the case is far different when it affects persons who are only suspected, or against whom the evidence is weak and imperfect; for, if citizens may be arraigned and convicted for so grievous an offense as this upon insufficient evidence, every one will feel his own personal safety involved, and the tendency would be to intensify public feelings against the whole process of the trial. It would be felt and argued that they had been condemned upon

evidence that would not have convicted them in a civil court, and that they had been deprived, therefore, of the advantages which they would have had for their defense. Reproach and contumely upon the government would be the natural result, and the first occasion would arise in all history for such demonstrations as would be sure to follow the condemnation of mere citizens, and particularly of a woman, upon evidence on which an acquittal would follow in a civil court. It is, therefore, not only a matter of the highest concern to the accused themselves, as a question of personal and private right, but also of great importance upon considerations of general public utility and policy, that the results of this trial, as affecting each of the accused, among them Mrs. Surratt, shall be rigidly held within the bounds and limitations that would control in the premises, if the parties were on trial in a civil court upon an indictment equivalent to the charges and specifications here. Conceding, as we have said, the jurisdiction for the purpose of this branch of the argument, we hold to the principle first enunciated as the one great, all-important, and controlling rule that is to guide the commission in the findings they are now about to make. In order to apply this principle to the case of our client, we do not propose to range through the general rules of evidence with a view to seeing how they square with the facts as proven against her. In the examination of the evidence in detail, many of these must from necessity be briefly alluded to; but there is only one of them to which we propose in this place to advert specifically, and that is the principle that may be justly said to lie at the foundation of all the criminal law — a principle so just, that it seems to have sprung from the brain of Wisdom herself, and so undoubted and universal as to stand upon the recognition of all the times and all the mighty intellects through and by which the common law has been built up. We allude, of course, to that principle which declares that "every man is held to be innocent until he shall be proven guilty" — a principle so natural that it has fastened itself upon the common reason of mankind, and been immemorially adopted as a cardinal doctrine in all courts of justice worthy of the name. It is by reason of this great underlying legal tenet that we are in possession of the rule of law, administered by all the courts, which, in mere technical expression, may be termed "the presumption of innocence in favor of the accused." And it is from hence that we derive

that further application of the general principle, which has also become a rule of law, and of universal application wherever the common law is respected (and with which we have more particularly to deal), by which it is affirmed, in common language, that in any prosecution for crime «the accused must be acquitted where there is a reasonable doubt of his guilt.» We hardly think it necessary to adduce authorities for this position before any tribunal. In a civil court we certainly should waive the citations, for the principle as stated would be assumed by any civil judge, and would, indeed, be the starting point for any investigation whatever. Though a maxim so common and conceded, it is fortified by the authority of all the great lights of the law. Before reference is made to them, however, we wish to impress upon the minds of the court another and important rule to which we shall have occasion to refer:—

«The evidence in support of a conspiracy is generally *circumstantial.*» (Russell on Crimes, Vol. ii., 698.)

In regard to circumstantial evidence, all the best and ablest writers, ancient and modern, agree in treating it as wholly inferior in cogency, force, and effect, to *direct* evidence. And now for the rule that must guide the jury in all cases of reasonable doubt:—

«If evidence leave reasonable ground for doubt, the conclusion cannot be morally certain, however great may be the preponderance of probability in its favor.» (Wills on Circumstantial Evidence. Law Library, Vol. xli.)

«The burden of proof in every criminal case is on the government to prove all the material allegations in the indictment; and if, on the whole evidence, the jury have a reasonable doubt whether the defendant is guilty of the crime charged, they are bound to acquit him. If the evidence lead to a reasonable doubt, that doubt will avail in favor of the prisoner.» (1 Greenleaf, § 34—Note.)

Perhaps one of the best and clearest definitions of the meaning of a «reasonable doubt» is found in an opinion given in Dr. Webster's case by the learned and accurate Chief-Justice of Massachusetts. He said:—

«The evidence must establish the truth of the fact to a reasonable and moral certainty; a certainty that convinces and directs the

understanding and satisfies the reason and judgment of those who are bound to act conscientiously upon it." (Commonwealth *versus* Webster, 5 Cush., 320.)

Far back in the early history of English jurisprudence we find that it was considered a most serious abuse of the common law, "that justices and their officers, who kill people by false judgment, be not destroyed as other murderers, which King Alfred caused to be done, who caused forty-four justices in one year to be hanged for their false judgment. He hanged Freburne because he judged Harpin to die, whereas the jury were in doubt of their verdict; for in doubtful cases we ought rather to save than to condemn."

The spirit of the Roman law partook of the same care and caution in the condemnation of those charged with crime. The maxim was:—

"*Satius est, impunitum relinqui facinus nocentis, quam innocentem damnare.*"

That there may be no mistake concerning the fact that this commission is bound as a jury by these rules, the same as juries in civil courts, we again quote from Benet:—

"It is in the province of the court (court-martial) to decide all questions on the admissibility of evidence. Whether there is any evidence is a question for the court as judges, but whether the evidence is sufficient is a question for the court as jury to determine, and this rule applies to the admissibility of every kind of evidence, written as well as oral." (Benet, pp. 225, 226.)

These citations may be indefinitely multiplied, for this principle is as true in the law as any physical fact in the exact sciences. It is not contended, indeed, that any degree of doubt must be of a reasonable nature, so as to overset the moral evidence of guilt. A mere possibility of innocence will not suffice, for, upon human testimony, no case is free from possible innocence. Even the more direct evidence of crime may be possibly mistaken. But the doubt required by the law must be consonant with reason and of such a nature that in analogous circumstances it would affect the action of a reasonable creature concerning his own affairs. We may make the nature of such a doubt clearer to the court by alluding to a very common rule in the applica-

tion of the general principle in certain cases, and the rule will readily appeal to the judgment of the court as a remarkable and singularly beautiful example of the inexorable logic with which the law applies its own unfailing reason.

Thus, in case of conspiracy, and some others, where many persons are charged with joint crime, and where the evidence against most of them must, of necessity, be circumstantial, the plea of «reasonable doubt» becomes peculiarly valuable to the separate accused, and the mode in which it is held it can best be applied is the test whether the facts as proved, circumstantial, as supposed, can be made to consist just as reasonably with a theory that is essentially different from the theory of guilt.

If, therefore, in the developments of the whole facts of a conspiracy, all the particular facts against a particular person can be taken apart and shown to support a reasonable theory that excludes the theory of guilt, it cannot be denied that the moral proof of the latter is so shaken as to admit the rule concerning the presumption of innocence. For surely no man should be made to suffer because certain facts are proved against him, which are consistent with guilt, when it can be shown that they are also, and more reasonably, consistent with innocence. And, as touching the conspiracy here charged, we suppose there are hundreds of innocent persons, acquaintances of the actual assassin, against whom, on the social rule of *noscitur a sociis*, mercifully set aside in law, many facts might be elicited that would corroborate a suspicion of participation in his crime; but it would be monstrous that they should suffer from that theory when the same facts are rationally explainable on other theories.

The distinguished assistant judge advocate, Mr. Bingham, who has brought to the aid of the prosecution, in this trial, such ready and trenchant astuteness in the law, has laid the following down as an invariable rule, and it will pass into the books as such:—

«A party who conspires to do a crime may approach the most upright man in the world with whom he had been, before the criminality was known to the world, on terms of intimacy, and whose position in the world was such that he might be on terms of intimacy with reputable gentlemen. It is the misfortune of a man that is approached in that way; it is not his crime, and it is not colorably his crime either.»

This rule of construction, we humbly submit, in connection with the question of doubt, has a direct and most weighty bearing upon the case of our client. Some indication of the mode in which we propose to apply it may be properly stated here. Now, in all the evidence, there is not a shadow of direct and positive proof which connects Mrs. Surratt with a participation in this conspiracy alleged, or with any knowledge of it. Indeed, considering the active part she is charged with taking, and the natural communicativeness of her sex, the case is most singularly and wonderfully barren of even circumstantial facts concerning her. But all there is, is circumstantial. Nothing is proved against her except some few detached facts and circumstances lying around the outer circle of the alleged conspiracy, and by no means necessarily connected with guilty intent or guilty knowledge.

It becomes our duty to see: —

1. What these facts are.

2. The character of the evidence in support of them, and of the witnesses by whom they are said to be proven. And,

3. Whether they are consistent with a reasonable theory by which guilt is excluded.

We assume, of course, as a matter that does not require argument, that she has committed no crime at all, even if these facts be proved, unless there is the necessary express or implied criminal intent, for guilty knowledge and guilty intent are the constituent elements, the principles of all crime. The intent and malice, too, in her case, must be express, for the facts proved against her, taken in themselves, are entirely and perfectly innocent, and are not such as give rise to a necessary implication of malice. This will not be denied. Thus, when one commits a violent homicide, the law will presume the requisite malice; but when one only delivers a message, which is an innocent act in itself, the guilty knowledge, malice, and intent, that are absolutely necessary to make it criminal, must be expressly proven before any criminal consequences can attach to it. And, to quote: —

«Knowledge and intent, when material, must be shown by the prosecutor.» (Wharton's American Criminal Law, § 631.)

The intent to do a criminal act as defined by Bouvier implies and means a preconceived purpose and resolve and determination to commit the crime alleged. To quote again: —

«But the intent or guilty knowledge must be brought directly home to the defendant.» (Wharton's American Criminal Law, § 635.)

«When an act, in itself indifferent, becomes criminal, if done with a particular intent, then the intent must be proved and found.» (3 Greenleaf, § 13.)

In the light of these principles, let us examine the evidence as it affects Mrs. Surratt. 1. What are the acts she has done? The specification against her, in the general charge, is as follows: —

«And in further prosecution of the said conspiracy, Mary E. Surratt did, at Washington City, and within the military department and military lines aforesaid, on or before the sixth day of March, A. D. 1865, and on divers other days and times between that day and the twentieth of April, A. D. 1865, receive and entertain, harbor and conceal, aid and assist, the said John Wilkes Booth, David E. Herold, Lewis Payne, John H. Surratt, Michael O'Laughlin, George A. Atzerodt, Samuel Arnold, and their confederates, with knowledge of the murderous and traitorous conspiracy aforesaid, and with intent to aid, abet, and assist them in the execution thereof, and in escaping from justice after the murder of the said Abraham Lincoln, as aforesaid.»

The first striking fact proved is her acquaintance with John Wilkes Booth — that he was an occasional visitor at her house. From the evidence, if it can be relied on, it distinctly appears that this acquaintance commenced the latter part of January, in the vicinage of three months only before the assassination of the President, and, with slight interruptions, it was continued down to the day of the assassination of the President. Whether he was first invited to the house and introduced to the family by Weichmann, John H. Surratt, or some other person, the evidence does not disclose. When asked by the judge advocate, «Whom did he call to see,» the witness, Weichmann, responded, «He generally called for Mr. Surratt — John H. Surratt — and, in the absence of John H. Surratt, he would call for Mrs. Surratt.»

Before calling the attention of the commission to the next evidence of importance against Mrs. Surratt, we desire to refresh the recollection of the court as to the time and manner, and by whom, according to the testimony of Lloyd, the carbines were first brought to his (Lloyd's) house.

From the official record the following is taken:—

Question.—Will you state whether or not some five or six weeks before the assassination of the President, any or all of these men about whom I have inquired came to your house?

Answer.—They were there.

Q.—All three together?

A.—Yes; John H. Surratt, Herold, and Atzerodt were there together.

Q.—What did they bring to your house, and what did they do there?

A.—When they drove up there in the morning, John H. Surratt and Atzerodt came first; they went from my house and went toward T. B., a post office kept about five miles below there. They had not been gone more than half an hour when they returned with Herold; then the three were together—Herold, Surratt, and Atzerodt.

Q.—What did they bring to your house?

A.—I saw nothing until they all three came into the bar-room. I noticed one of the buggies—the one I supposed Herold was driving or went down in—standing at the front gate. All three of them, when they came into the bar-room, drank, I think, and then John Surratt called me into the front parlor, and on the sofa were two carbines, with ammunition. I think he told me they were carbines.

Q.—Anything besides the carbines and ammunition?

A.—There was also a rope and a monkey-wrench.

Q.—How long a rope?

A.—I cannot tell. It was a coil—a right smart bundle—probably sixteen to twenty feet.

Q.—Were those articles left at your house?

A.—Yes, sir; Surratt asked me to take care of them, to conceal the carbines. I told him that there was no place to conceal them, and I did not wish to keep such things in the house.

Q.—You say that he asked you to conceal those articles for him?

A.—Yes, sir; he asked me to conceal them. I told him there was no place to conceal them. He then carried me into a room that I had never been in, which was just immediately above the store room, as it were, in the back building of the house. I had never been in that room previous to that time. He showed me where I could put them, underneath the joists of the house—the joists of the second floor of the main building. This little unfinished room will admit of anything between the joists.

Q.—Were they put in that place?

A.—They were put in there according to his directions.

Q.—Were they concealed in that condition?

A.—Yes, sir; I put them in there. I stated to Colonel Wells through mistake that Surratt put them there; but I put them in there myself, I carried the arms up myself.

Q.—How much ammunition was there?

A.—One cartridge box.

Q.—For what purpose, and for how long, did he ask you to keep these articles?

A.—I am very positive that he said that he would call for them in a few days. He said that he just wanted them to stay for a few days and he would call for them.

It also appears in evidence against Mrs. Surratt, if the testimony is to be relied on, that on the Tuesday previous to the murder of the President, the eleventh of April, she met John M. Lloyd, a witness for the prosecution, at Uniontown, when the following took place:—

Question by the judge advocate:—Did she say anything to you in regard to those carbines?

Answer.—When she first broached the subject to me, I did not know what she had reference to; then she came out plainer, and I am quite positive she asked me about the "shooting irons." I am quite positive about that, but not altogether positive. I think she named "shooting irons" or something to call my attention to those things, for I had almost forgot about their being there. I told her that they were hid away far back—that I was afraid that the house would be searched, and they were shoved far back. She told me to get them out ready; they would be wanted soon.

Q.—Was her question to you first, whether they were still there, or what was it?

A.—Really, I cannot recollect the first question she put to me. I could not do it to save my life.

On the afternoon of the fourteenth of April, at about half-past five Lloyd again met Mrs. Surratt, at Surrattsville, at which time, according to his version, she met him by the woodpile near the house and told him to have those shooting irons ready that night as there would be some parties calling for them, and that she gave him something wrapped in a piece of paper, and asked him to get two bottles of whisky ready also. This message to Mr. Lloyd is the second item of importance against Mrs. Surratt, and in support of the specification against her. The third and last fact that makes against her in the minds of the

court is the one narrated by Major H. W. Smith, a witness for the prosecution, who states that while at the house of Mrs. Surratt, on the night of the seventeenth of April, assisting in making arrest of its inmates, the prisoner, Payne, came in. He (Smith) stepped to the door of the parlor and said, "Mrs. Surratt, will you step here a minute?" As Mrs. Surratt came forward, he asked her this question, "Do you know this man?" She replied, quoting the witness's language, "Before God, sir, I do not know this man, and I have never seen him." An addition to this is found in the testimony of the same witness, as he was drawn out by the judge advocate. The witness repeats the language of Mrs. Surratt, "Before God, sir, I do not know this man, and I have never seen him, and did not hire him to dig a gutter for me." The fact of the photographs and card of the State arms of Virginia have ceased to be of the slightest importance, since the explanations given in evidence concerning them, and need not be alluded to. If there is any doubt as to whom they all belonged, reference to the testimony of Misses Surratt and Fitzpatrick will settle it.

These three circumstances constitute the part played by the accused, Mary E. Surratt, in this great conspiracy. They are the acts she has done. They are all that two months of patient and unwearying investigation, and the most thorough search for evidence that was probably ever made, have been able to develop against her. The acquaintance with Booth, the message to Lloyd, the nonrecognition of Payne, constitute the sum total of her receiving, entertaining, harboring and concealing, aiding and assisting those named as conspirators and their confederates, with knowledge of the murderous and traitorous conspiracy; and with intent to aid, abet, and assist them in the execution thereof, and in escaping from justice. The acts she has done, in and of themselves are perfectly innocent. Of themselves they constitute no crime. They are what you or I or any of us might have done. She received and entertained Booth, the assassin, and so did a hundred others. She may have delivered a message to Lloyd — so have a hundred others. She might have said she did not know Payne — and who within the sound of my voice can say they know him now? They are ordinary and commonplace transactions, such as occur every day and to almost everybody. But as all the case against her must consist in the guilty intent that will be attempted to be connected with these facts, we now

propose to show that they are not so clearly proven as to free them from great doubt, and, therefore, we will inquire:—

2. How are these acts proven? Solely by the testimony of Louis J. Weichmann and John M. Lloyd. Here let us state that we have no malice toward either of them, but if in the analysis of their evidence we should seem to be severe, it is that error and duplicity may be exposed and innocence protected.

We may start out with the proposition that a body of men banded together for the consummation of an unlawful act against the government, naturally would not disclose their purpose and hold suspicious consultations concerning it in the presence continually of an innocent party. In the light of this fair presumption let us look at the acts of Weichmann, as disclosed by his own testimony. Perhaps the most singular and astonishing fact that is made to appear is his omnipresence and co-action with those declared to be conspirators, and his professed and declared knowledge of all their plans and purposes. His acquaintance with John H. Surratt commenced in the fall of 1859, at St. Charles, Maryland. In January 1863 he renewed his acquaintance with him in this city. On the first of November, 1864, he took board and lodging with Mrs. Surratt at her house, No. 541 H. Street, in this city. If this testimony is correct, he was introduced to Booth on the fifteenth day of January, 1865. At this first, very first meeting, he was invited to Booth's room at the National, where he drank wine and took cigars at Booth's expense. After consultation about something in an outer passage between Booth and the party alleged to be with him by Weichmann, they all came into the room, and for the first time business was proceeded with in his presence. After that he met Booth in Mrs. Surratt's parlor and in his own room, and had conversations with him. As near as Weichmann recollects, about three weeks after his introduction he met the prisoner, Atzerodt, at Mrs. Surratt's. (How Atzerodt was received at the house will be referred to.) About the time that Booth played Pescara in the 'Apostate' at Ford's Theatre, Weichmann attended the theatre in company with Surratt and Atzerodt. At the theatre they were joined by Herold. John T. Holohan, a gentleman not suspected of complicity in the great tragedy, also joined the company at the theatre. After the play was over, Surratt, Holohan, and himself went as far as the corner of Tenth and E Streets, when Surratt, noticing that Atzerodt and Herold were

not with them, sent Weichmann back for them. He found them in a restaurant with Booth, by whose invitation Weichmann took a drink. After that the entire party went to Kloman's, on Seventh Street, and had some oysters. The party there separated, Surratt, Weichmann, and Holohan going home. In the month of March last the prisoner, Payne, according to Weichmann, went to Mrs. Surratt's house and inquired for John H. Surratt. "I, myself," says Weichmann, "went to open the door, and he inquired for Mr. Surratt. I told him Mr. Surratt was not at home; but I would introduce him to the family, and did introduce him to Mrs. Surratt—under the name of Wood." What more? By Weichmann's request Payne remained in the house all night. He had supper served him in the privacy of Weichmann's own room. More than that, Weichmann went down into the kitchen and got the supper and carried it up to him himself, and as nearly as he recollects, it was about eight weeks previous to the assassination; Payne remained as Weichmann's guest until the next morning, when he left on the early train for Baltimore.

About three weeks after that Payne called again. Says Weichmann, "I again went to the door, and I again ushered him into the parlor." But he adds that he had forgotten his name, and only recollected that he had given the name of Wood on the former visit, when one of the ladies called Payne by that name. He who had served supper to Payne in his own room, and had spent a night with him, could not recollect for three weeks the common name of "Wood," but recollects with such distinctness and particularity scenes and incidents of much greater age, and by which he is jeopardizing the lives of others. Payne remained that time about three days, representing himself to the family as a Baptist preacher; claiming that he had been in prison in Baltimore for about a week; that he had taken the oath of allegiance and was going to become a good loyal citizen. To Mrs. Surratt this seemed eccentric, and she said "he was a great-looking Baptist preacher." "They looked upon it as odd and laughed about it." It seemed from Weichmann's testimony that he again shared his room with Payne. Returning from his office one day, and finding a false mustache on the table in his room, he took it and threw it into his toilet box, and afterward put it with a box of paints into his trunk. The mustache was subsequently found in Weichmann's baggage. When Payne, according to Weichmann's testimony, inquired, "Where is my mustache?" Weichmann said

nothing, but "thought it rather queer that a Baptist preacher should wear a false mustache." He says that he did not want it about his room — "thought no honest person had any reason to wear a false mustache," and as no "honest person" should be in possession of it, he locked it up in his own trunk. Weichmann professes throughout his testimony the greatest regard and friendship for Mrs. Surratt and her son. Why did he not go to Mrs. Surratt and communicate his suspicions at once? She, an innocent and guileless woman, not knowing what was occurring in her own house; he, the friend, coming into possession of important facts, and not making them known to her, the head of the household, but claiming now, since this overwhelming misfortune has fallen upon Mrs. Surratt, that, while reposing in the very bosom of the family as a friend and confidant, he was a spy and an informer, and, that, we believe, is the best excuse the prosecution is able to make for him. His account and explanation of the mustache would be treated with contemptuous ridicule in a civil court.

But this is not all. Concede Weichmann's account of the mustache to be true, and if it was not enough to rouse his suspicions that all was not right, he states that, on the same day, he went to Surratt's room and found Payne seated on the bed with Surratt, playing with bowie knives, and surrounded with revolvers and spurs. Miss Honora Fitzpatrick testifies that Weichmann was treated by Mrs. Surratt "more like a son than a friend." Poor return for motherly care! Guilty knowledge and participation in crime or in wild schemes for the capture of the President would be a good excuse for not making all this known to Mrs. Surratt. In speaking of the spurs and pistols, Weichmann knew that there were just eight spurs and two long navy revolvers. Bear in mind, we ask you, gentlemen of the commission, that there is no evidence before you showing that Mrs. Surratt knew anything about these things. It seems farther on, about the nineteenth of March, that Weichmann went to the Herndon House with Surratt to engage a room. He says that he afterwards learned from Atzerodt that it was for Payne, but contradicts himself in the same breath by stating that he inquired of Atzerodt if he were going to see Payne at the Herndon House. His intimate knowledge of Surratt's movements between Richmond and Washington, fixing the dates of the trips with great exactitude; of Surratt's bringing gold back; of Surratt's

leaving on the evening of the third of April for Canada, spending his last moments here with Weichmann; of Surratt's telling Weichmann about his interview with Davis and Benjamin — in all this knowledge concerning himself and his associations with those named as conspirators he is no doubt truthful, as far as his statements extend; but when he comes to apply some of this knowledge to others, he at once shakes all faith in his testimony bearing upon the accused.

"Do you remember," the question was asked him, "early in the month of April, of Mrs. Surratt having sent for you and asking you to give Mr. Booth notice that she wished to see him?"

Weichmann stated in his reply that she did, that it was on the second of April, and that he found in Mr. Booth's room John McCullough, the actor, when he delivered the message. One of two things to which he swears in this statement cannot be true; 1. That he met John McCullough in Booth's room, for we have McCullough's sworn statement that at that time he was not in the city of Washington, and if, when he delivered the message to Booth, McCullough was in the room, it could not have been the second of April.

ST. LAWRENCE HALL, MONTREAL, June 3, 1865.

I am an actor by profession, at present fulfilling an engagement at Mr. Buckland's theatre, in this city. I arrived here on the twelfth of May. I performed two engagements at Ford's Theatre in Washington, during the past winter, the last one closing on Saturday evening, twenty-fifth of March. I left Washington Sunday evening, twenty-sixth of March, and have not been there since. I have no recollection of meeting any person by the name of Weichmann.

JOHN MCCULLOUGH.

Sworn to and before me, at the United States Consulate General's, in Montreal, this third day of June, A. D. 1865.

C. H. POWERS, U. S. Vice Consul-General.

If he can be so mistaken about those facts, may he not be in regard to that whole transaction? It is also proved by Weichmann that before Mrs. Surratt started for the country, on the fourteenth of April, Booth called; that he remained three or four minutes, and then Weichmann and Mrs. Surratt started for the country.

All this comes out on his first examination in chief. The following is also told in his first cross-examination: Mrs. Surratt

keeps a boarding house in this city, and was in the habit of renting out her rooms, and that he was upon very intimate terms with Surratt; that they occupied the same room; that when he and Mrs. Surratt went to Surrattsville on the fourteenth, she took two packages, one of papers, the contents of the other were not known. That persons have been in the habit of going to Mrs. Surratt's and staying a day or two; that Atzerodt stopped in the house only one night; that the first time Payne came to the house he was dressed genteelly, like a gentleman; that he heard both Mrs. Surratt and her daughter say that they did not care about having Atzerodt brought to the house; and at the conclusion, in swearing as to Mrs. Surratt's character, he said it was exemplary and lady-like in every respect, and apparently, as far as he could judge, she was all the time, from the first of November up to the fourteenth of April, "doing her duties to God and man." It also distinctly appears that Weichmann never had any conversation with Mrs. Surratt touching any conspiracy. One thing is apparent to our minds, and it is forced upon us, as it must be upon every reasonable mind, that in order to have gained all this knowledge Weichmann must have been within the inner circle of the conspiracy. He knows too much for an innocent man, and the conclusion is perfectly irresistible that if Mrs. Surratt had knowledge of what was going on, and had been, with others, a *particeps criminis* in the great conspiracy, she certainly would have done more than she did or has been shown against her, and Weichmann would have known it. How does her nonrecognition of Payne, her acquaintance with Booth, and the delivery of the message to Lloyd, compare with the long and startling array of facts proved against Weichmann out of his own mouth? All the facts point strongly to him as a co-conspirator.

Is there a word on record of conversation between Booth and Mrs. Surratt? That they did converse together, we know; but if anything treasonable had passed between them, would not the quick ears of Weichmann have caught it, and would not he have recited it to this court?

When Weichmann went, on Tuesday, the eleventh of April, to get Booth's buggy, he was not asked by Mrs. Surratt to get ten dollars. It was proffered by Booth, according to Weichmann, and he took it. If Mrs. Surratt ever got money from Booth she paid it back to him. It is not her character to be in any one's debt.

There was no intimacy with Booth, as Mrs. Surratt has proved, but only common acquaintance, and such as would warrant only occasional calls on Booth's part, and only intimacy would have excused Mrs. Surratt to herself in accepting such a favor, had it been made known to her. Moreover, Miss Surratt has attested to remarks of her brother, which prove that intimacy of Booth with his sister and mother were not considered desirable by him.

The preceding facts are proven by statements made by Weichmann during his first examination. But, as though the commission had not sufficiently exposed the character of one of its chief witnesses in the rôle of grand conspirator, Weichmann is recalled and further attests to the genuineness of the following telegram:

NEW YORK, March 23d, 1865.—TO WEICHMANN, Esq., 541 H St.—Tell John telegraph number and street at once.

[Signed] J. BOOTH.

What additional proof of confidential relations between Weichmann and Booth could the court desire? If there was a conspiracy planned and maintained among the persons named in the indictment, Weichmann must have had entire knowledge of the same, else he had not been admitted to that degree of knowledge to which he testifies; and in such case, and in the alleged case of Mrs. Surratt's complicity, Weichmann must have known the same by circumstances strong enough to exclude doubt, and in comparison with which all present facts of accusation would sink into insignificance.

We proceed to the notice and review of the second chief witness of the prosecution against Mrs. Surratt, John M. Lloyd. He testifies to the fact of a meeting with Mrs. Surratt at Uniontown on the eleventh of April, 1865, and to a conversation having occurred between Mrs. Surratt and himself in regard to which he states: "I am quite positive she asked me about the 'shooting irons'; I am quite positive about that, but not altogether positive. I think she named shooting irons, or something to call my attention to those things, for I had almost forgotten about their being there." Question.—"Was her question to you first, whether they were there, or what was it?" Answer.—"Really, I cannot recollect the first question she put to me—I could not do it to save my life." The question was asked Lloyd, "During this conversation, was the word 'carbine' mentioned?" He answered, "No. She finally came out (but I cannot be determined

about it, that she said shooting irons), and asked me in relation to them." The question was then asked, "Can you swear on your oath, that Mrs. Surratt mentioned the words 'shooting irons' to you at all?" A.—"I am very positive she did." Q.—"Are you certain?" A.—"I am very positive that she named shooting irons on both occasions. Not so positive as to the first as I am about the last."

Here comes in the plea of "reasonable doubt." If the witness himself is not absolutely positive as to what occurred, and as to the conversation that took place, how can the jury assume to act upon it as they would upon a matter personally concerning themselves?

On this occasion of Mrs. Surratt's visit to Uniontown, three days before the assassination, where she met Lloyd, and where this conversation occurred between them, at a time when Lloyd was, by presumption, sober and not intoxicated, he declares definitely before the commission that he is unable to recollect the conversation, or parts of it, with distinctness. But on the fourteenth of April, and at a time when, as testified by his sister-in-law, he was more than ordinarily affected by intoxicating drink,—and Captain Gwynn, James Lusby, Knott, the barkeeper, and others, corroborate the testimony as to his absolute inebriation—he attests that he positively remembers that Mrs. Surratt said to him, "'Mr. Lloyd, I want you to have those shooting irons ready. That a person would call for them.' That was the language she made use of, and she gave me this other thing to give to whoever called."

In connection with the fact that Lloyd cannot swear positively that Mrs. Surratt mentioned "shooting irons" to him at Uniontown, bear in mind the fact that Weichmann sat in the buggy on the same seat with Mrs. Surratt, and he swears that he heard nothing about "shooting irons." Would not the quick ears of Weichmann have heard the remark had it been made?

The gentlemen of the commission will please recollect that these statements were rendered by a man addicted to excessive use of intoxicating liquors; that he was even inordinately drunk at the time referred to; that he had voluntarily complicated himself in the concealment of the arms by John H. Surratt and his friends; that he was in a state of maudlin terror when arrested and when forced to confess; that for two days he maintained denial of all knowledge that Booth and Herold had been at his

house; and that at last, and in the condition referred to, he was coerced by threats to confess, and into a weak and common effort to exculpate himself by the accusation of another and by statements of conversation already cited. Notwithstanding his utter denial of all knowledge of Booth and Herold having called at his house, it afterward appears, by his own testimony, that immediately Herold commanded him (Lloyd) "For God's sake, make haste and get those things," he comprehended what "things" were indicated, without definition, and brought forth both carbines and whisky. He testifies that John H. Surratt had told him, when depositing the weapons in concealment in his house, that they would soon be called for, but did not instruct him, it seems, by whom they would be demanded.

All facts connecting Lloyd with the case tend to his implication and guilt, and to prove that he adopted the *dernier ressort* of guilt — accusation and inculpation of another. In case Lloyd were innocent and Mrs. Surratt the guilty coadjutrix and messenger of the conspirators, would not Lloyd have been able to cite so many open and significant remarks and acts of Mrs. Surratt that he would not have been obliged to recall, in all perversion and weakness of uncertainty, deeds and speech so common and unmeaning as his testimony includes?

It is upon these considerations that we feel ourselves safe and reasonable in the position that there are facts and circumstances, both external and internal, connected with the testimony of Weichmann and Lloyd, which, if they do not destroy, do certainly greatly shake their credibility, and which, under the rule that will give Mrs. Surratt the benefit of all reasonable doubts, seem to forbid that she should be convicted upon the unsupported evidence of these two witnesses. But even admitting the facts to be proven as above recited, it remains to be seen where is the guilty knowledge of the contemplated assassination; and this brings us to the inquiry whether these facts are not explainable so as to exclude guilt.

From one of the most respected of legal authorities the following is taken:—

"Whenever, therefore, the evidence leaves it indifferent which of several hypotheses is true, or merely establishes some finite probability in favor of one hypothesis rather than another, such evidence cannot amount to proof. The maxim of the law is that it is better

that ninety-nine offenders should escape than that one innocent man should be condemned.» (Starkie on Evidence.)

The acts of Mrs. Surratt must have been accompanied with criminal intent in order to make them criminal. If any one supposes that any such intent existed, the supposition comes alone from inference. If disloyal acts and constant disloyal practices, if overt and open action against the government, on her part, had been shown down to the day of the murder of the President, it would do something toward establishing the inference of criminal intent. On the other hand, just the reverse is shown. The remarks here of the learned and honorable judge advocate are peculiarly appropriate to this branch of the discussion, and, with his authority, we waive all others.

«If the court please, I will make a single remark. I think the testimony in this case has proved, what I believe history sufficiently attests, how kindred to each other are the crimes of treason against a nation and the assassination of its chief magistrate. As I think of those crimes, the one seems to be, if not the necessary consequence, certainly a logical sequence from the other. The murder of the President of the United States, as alleged and shown, was pre-eminently a political assassination. Disloyalty to the government was its sole, its only inspiration. When, therefore, we shall show, on the part of the accused, acts of intense disloyalty, bearing arms in the field against that government, we show, with him, the presence of an *animus* toward the government which relieves this accusation of much, if not all, of its improbability. And this course of proof is constantly resorted to in criminal courts. I do not regard it as in the slightest degree a departure from the usages of the profession in the administration of public justice. The purpose is to show that the prisoner, in his mind and course of life, was prepared for the commission of this crime; that the tendencies of his life, as evidenced by open and overt acts, lead and point to this crime, if not as a necessary, certainly as a most probable, result, and it is with that view, and that only, that the testimony is offered.»

Is there anything in Mrs. Surratt's mind and course of life to show that she was prepared for the commission of this crime? The business transaction by Mrs. Surratt at Surrattsville, on the fourteenth, clearly discloses her only purpose in making this visit. Calvert's letters, the package of papers relating to the estate, the business with Nothe, would be sufficiently clear to most minds, when added to the fact that the other unknown

package had been handed to Mrs. Offutt; that, while at Surrattsville, she made an inquiry for, or an allusion to, Mr. Lloyd, and was ready to return to Washington when Lloyd drove up to the house. Does not this open wide the door for the admission of the plea of "reasonable doubt"? Had she really been engaged in assisting in the great crime, which makes an epoch in our country's history, her only object and most anxious wish would have been to see Lloyd. It was no ruse to transact important business there to cover up what the uncharitable would call the real business. Calvert's letter was received by her on the forenoon of the fourteenth, and long before she saw Booth that day, or even before Booth knew that the President would be at the theatre that night, Mrs. Surratt had disclosed her intention to go to Surrattsville, and had she been one moment earlier in her start she would not have seen Booth at all. All these things furnish powerful presumptions in favor of the theory that, if she delivered the message at all, it was done innocently.

In regard to the nonrecognition of Payne, the third fact adduced by the prosecution against Mrs. Surratt, we incline to the opinion that, to all minds not forejudging, the testimony of Miss Anna E. Surratt, and various friends and servants of Mrs. Surratt, relative to physical causes, might fully explain and account for such ocular remissness and failure. In times and on occasions of casual meeting of intimate acquaintances on the street, and of common need for domestic uses, the eyesight of Mrs. Surratt had proved treacherous and failing. How much more liable to fail her was her imperfect vision on an occasion of excitement and anxiety, like the night of her arrest and the disturbance of her household by military officers, and when the person with whom she was confronted was transfigured by a disguise which varied from the one in which she had previously met him, with all the wide difference between a Baptist parson and an earth-soiled, uncouthly-dressed digger of gutters! Anna E. Surratt, Emma Offutt, Anna Ward, Elize Holohan, Honora Fitzpatrick, and a servant, attest to all the visual incapacity of Mrs. Surratt, and the annoyance she experienced therefrom in passing friends without recognition in the daytime, and from inability to sew or read even on a dark day, as well as at night. The priests of her church, and gentlemen who have been friendly and neighborhood acquaintances of Mrs. Surratt for many years, bear witness to her untarnished name, to her discreet and Christian character, to

the absence of all imputation of disloyalty, to her character for patriotism. Friends and servants attest to her voluntary and gratuitous beneficence to our soldiers stationed near her; and, "in charges for high treason, it is pertinent to inquire into the humanity of the prisoner toward those representing the government," is the maxim of the law; and, in addition, we invite your attention to the singular fact that of the two officers who bore testimony in this matter, one asserts that the hall wherein Payne sat was illuminated with a full head of gas; the other, that the gaslight was purposely dimmed. The uncertainty of the witness who gave the testimony relative to the coat of Payne may also be called to your notice.

Should not this valuable testimony of loyal and moral character shield a woman from the ready belief, on the part of judges who judge her worthiness in every way, that during the few moments Booth detained Mrs. Surratt from her carriage, already waiting, when he approached and entered the house, she became so converted to diabolical evil as to hail with ready assistance his terrible plot, which must have been framed (if it were complete in his intent at that hour, half-past two o'clock), since the hour of eleven that day?

If any part of Lloyd's statements is true, and Mrs. Surratt did verily bear to his or Mrs. Offutt's hands the field glass, enveloped in paper, by the evidence itself we may believe she knew not the nature of the contents of the package; and had she known, what evil could she or any other have attached to a commission of so common a nature? No evidence of individual or personal intimacy with Booth has been adduced against Mrs. Surratt; no long and apparently confidential interviews; no indications of a private comprehension mutual between them; only the natural and not frequent custom on the part of Booth—as any other associate of her son might and doubtless did do—of inquiring through the mother, whom he would request to see, of the son, who, he would learn, was absent from home. No one has been found who could declare any appearance of the nursing or mysteriously discussing of anything like conspiracy within the walls of Mrs. Surratt's house. Even if the son of Mrs. Surratt, from the significancies of associations, is to be classed with the conspirators, if such a body existed, it is monstrous to suppose that the son would weave a net of circumstantial evidences around

the dwelling of his widowed mother, were he never so reckless and sin-determined; and that they (the mother and the son) joined hands in such dreadful pact, is a thought more monstrous still!

A mother and son associate in crime, and such a crime as this, which half of the civilized world never saw matched in all its dreadful bearings! Our judgments can have hardly recovered their unprejudiced poise since the shock of the late horror, if we can contemplate with credulity such a picture, conjured by the unjust spirits of indiscriminate accusation and revenge. A crime which, in its public magnitude, added to its private misery, would have driven even the Atis-haunted heart of a Medici, a Borgia, or a Madame Bocarme to wild confession before its accomplishment, and daunted even that soul, of all the recorded world the most eager for novelty in license, and most unshrinking in sin — the indurated soul of Christina of Sweden; such a crime the profoundest plotters within padded walls would scarcely dare whisper; the words forming the expression of which, spoken aloud in the upper air, would convert all listening boughs to aspens, and all glad sounds of nature to shuddering wails. And this made known, even surmised, to a woman a *materfamilias*, the good genius, the *placens uxor* of a home where children had gathered all the influences of purity and the reminiscences of innocence, where religion watched, and the Church was minister and teacher!

Who — were circumstantial evidence strong and conclusive, such as only time and the slow-weaving fates could elucidate and deny — who will believe, when the mists of uncertainty which cloud the present shall have dissolved, that a woman born and bred in respectability and competence — a Christian mother, and a citizen who never offended the laws of civil propriety; whose unfailing attention to the most sacred duties of life has won for her the name of "a proper Christian matron"; whose heart was ever warmed by charity; whose door unbarred to the poor; and whose Penates had never cause to veil their faces — who will believe that she could so suddenly and so fully have learned the intricate arts of sin? A daughter of the South, her life associations confirming her natal predilections, her individual preferences inclined, without logic or question, to the Southern people, but with no consciousness nor intent of disloyalty to her

government, and causing no exclusion from her friendship and active favors of the people of the loyal North, nor repugnance in the distribution among our Union soldiery of all needed comforts, and on all occasions.

A strong but guileless-hearted woman, her maternal solicitude would have been the first denouncer, even the abrupt betrayer, of a plotted crime in which one companion of her son could have been implicated, had cognizance of such reached her. Her days would have been agonized, and her nights sleepless, till she might have exposed and counteracted that spirit of defiant hate which watched its moment of vantage to wreak an immortal wrong — till she might have sought the intercession and absolution of the Church, her refuge, in behalf of those she loved. The brains which were bold and crafty and couchant enough to dare the world's opprobrium in the conception of a scheme which held as naught the lives of men in highest places, would never have imparted it to the intelligence, nor sought the aid nor sympathy, of any living woman who had not, like Lady Macbeth, "unsexed herself" — not though she were wise and discreet as Maria Theresa or the Castilian Isabella. This woman knew it not. This woman, who, on the morning preceding that blackest day in our country's annals, knelt in the performance of her most sincere and sacred duty at the confessional, and received the mystic rite of the Eucharist, knew it not. Not only would she have rejected it with horror, but such a proposition, presented by the guest who had sat at her hearth as the friend and convive of the son upon whose arm and integrity her widowed womanhood relied for solace and protection, would have roused her maternal wits to some sure cunning which would have contravened the crime and sheltered her son from the evil influences and miserable results of such companionship.

The mothers of Charles IX. and of Nero could harbor underneath their terrible smiles schemes for the violent and unshriven deaths, or the moral vitiation and decadence which would painfully and gradually remove lives sprung from their own, were they obstacles to their demoniac ambition. But they wrought their awful romances of crime in lands where the sun of supreme civilization, through a gorgeous evening of Sybaritic luxury, was sinking, with red tints of revolution, into the night of anarchy and national caducity. In our own young nation, strong in its morality, energy, freedom, and simplicity, assassination can never

be indigenous. Even among the desperadoes and imported lazzaroni of our largest cities, it is comparatively an infrequent cause of fear.

The daughters of women to whom, in their yet preserved abodes, the noble mothers who adorned the days of our early independence are vividly remembered realities and not haunting shades — the descendants of earnest seekers for liberty, civil and religious, of rare races, grown great in heroic endurance, in purity which comes of trial borne, and in hope born of conscious right, whom the wheels of fortune sent hither to transmit such virtues — the descendants of these have no heart, no ear for the diabolisms born in hotbeds of tyranny and intolerance. No descendant of these — no woman of this temperate land — could have seen, much less joined, her son, descending the sanguinary and irrepassable ways of treason and murder to an ignominious death, or an expatriated and attainted life, worse than the punishing wheel and bloody pool of the poets' hell.

In our country, where reason and moderation so easily quench the fires of insane hate, and where the vendetta is so easily overcome by the sublime grace of forgiveness, no woman could have been found so desperate as to sacrifice all spiritual, temporal, and social good, self, offspring, fame, honor, and all the *desiderata* of life, and time, and immortality, to the commission, or even countenance, of such a deed of horror, as we have been compelled to contemplate during the two months past.

In a Christian land, where all records and results of the world's intellectual, civil, and moral advancement mold the human heart and mind to highest impulses, the theory of old Helvétius is more probable than desirable.

The natures of all born in equal station are not so widely varied as to present extremes of vice and goodness, but by the effects of rarest and severest experience. Beautiful fairies and terrible gnomes do not stand by each infant's cradle, sowing the nascent mind with tenderest graces or vilest errors. The slow attrition of vicious associations and law-defying indulgences, or the sudden impetus of some terribly multiplied and social disaster, must have worn away the susceptibility of conscience and self-respect, or dashed the mind from the height of these down to the depths of despair and recklessness, before one of ordinary life could take counsel with violence and crime. In no such manner was the life of our client marked. It was the

parallel of nearly all the competent masses. Surrounded by the scenes of her earliest recollections, independent in her condition, she was satisfied with the *mundus* of her daily pursuits, and the maintenance of her own and children's status in society and her Church.

Remember your wives, mothers, sisters, and gentle friends, whose graces, purity, and careful affection, ornament and cherish and strengthen your lives. Not widely different from their natures and spheres have been the nature and sphere of the woman who sits in the prisoner's dock to-day, mourning with the heart of Alcestis her children and her lot; by whose desolated hearthstone a solitary daughter wastes her uncomforted life away in tears and prayers and vigils for the dawn of hope; and this wretchedness and unpitied despair have closed like a shadow around one of earth's common pictures of domestic peace and social comfort, destroyed by the one sole cause — suspicion fastened and fed upon the facts of acquaintance and mere fortuitous intercourse with that man in whose name so many miseries gather, the assassin of the President.

Since the days when Christian teachings first elevated woman to her present free, refined, and refining position, man's power and honoring regard have been the palladium of her sex.

Let no stain of injustice, eager for a sacrifice to revenge, rest upon the reputation of the men of our country and time!

This woman, who, widowed of her natural protectors, who, in helplessness and painfully severe imprisonment, in sickness and in grief ineffable, sues for mercy and justice from your hands, may leave a legacy of blessings, sweet as fruition-hastening showers, for those you love and care for, in return for the happiness of fame and home restored, though life be abbreviated and darkened through this world by the miseries of this unmerited and woeful trial. But long and chilling is the shade which just retribution, slow creeping on, *pede claudo*, casts around the fate of him whose heart is merciless to his fellows bowed low in misfortune.

ALBERTUS MAGNUS

(1205–1280)

ALBERT THE GREAT (Albertus Magnus), teacher of St. Thomas Aquinas, was one of the most celebrated orators and theologians of the Church in the thirteenth century. He was born at Lauingen on the Danube in 1205 (according to some in 1193), and, becoming a Dominican at the age of twenty-nine, he taught in various German cities with continually increasing celebrity, until finally the Pope called him to preach in Rome. In 1260 he was made Bishop of Ratisbon, but after three years resigned the bishopric and returned to his work in the ranks of the clergy. While teaching at Cologne he suddenly lost his memory, probably as a result of his excessive studies. He died November 15th, 1280. He was placed on the calendar of saints in 1615. His works, collected by Peter Jammy, and published at Lyons in 1651, make twenty-one volumes, folio.

THE MEANING OF THE CRUCIFIXION

IT WAS surrounded by the thick wreath of thorns even to the tender brain. Whence in the Prophet,— the people hath surrounded me with the thorns of sin. And why was this, save that thine own head might not suffer — thine own conscience might not be wounded? His eyes grew dark in death; and those lights, which give light to the world, were for a time extinguished. And when they were clouded, there was darkness over all the earth, and with them the two great lights of the firmament were moved, to the end that thine eyes might be turned away, lest they should behold vanity; or, if they chance to behold it, might for his sake condemn it. Those ears, which in heaven unceasingly hear "Holy, Holy, Holy," vouchsafed on earth to be filled with: "Thou hast a devil,— Crucify him, Crucify him!" to the intent that thine ears might not be deaf to the cry of the poor, nor, open to idle tales, should readily receive the poison of detraction or of adulation. That fair face of him that was fairer than the children of men, yea, than

thousands of angels, was bedaubed with spitting, afflicted with blows, given up to mockery, to the end that thy face might be enlightened, and, being enlightened, might be strengthened, so that it might be said of thee, "His countenance is no more changed." That mouth, which teaches angels and instructs men, "which spake and it was done," was fed with gall and vinegar, that thy mouth might speak the truth, and might be opened to the praise of the Lord; and it was silent, lest thou shouldst lightly lend thy tongue to the expression of anger.

Those hands, which stretched abroad the heavens, were stretched out on the cross and pierced with most bitter nails; as saith Isaiah, "I have stretched forth my hands all the day to an unbelieving people." And David, "They pierced my hands and my feet; I may tell all my bones." And Saint Jerome says, "We may, in the stretching forth of his hands, understand the liberality of the giver, who denieth nothing to them that ask lovingly; who restored health to the leper that requested it of him; enlightened him that was blind from his birth; fed the hungry multitude in the wilderness." And again he says, "The stretched-out hands denote the kindness of the parent, who desires to receive his children to his breast." And thus let thy hands be so stretched out to the poor that thou mayest be able to say, "My soul is always in my hand." For that which is held in the hand is not easily forgotten. So he may be said to call his soul to memory, who carries it, as it were, in his hands through the good opinion that men conceive of it. His hands were fixed, that they may instruct thee to hold back thy hands, with the nails of fear, from unlawful or harmful works.

That glorious breast, in which are hidden all the treasures of wisdom and knowledge, is pierced with the lance of a soldier, to the end that thy heart might be cleansed from evil thoughts, and being cleansed might be sanctified, and being sanctified might be preserved. The feet, whose footstool the Prophets commanded to be sanctified, were bitterly nailed to the cross, lest thy feet should sustain evil, or be swift to shed blood; but, running in the way of the Lord, stable in his path, and fixed in his road, might not turn aside to the right hand nor to the left. "What could have been done more?"

Why did Christ bow his head on the cross? To teach us that by humility we must enter into Heaven. Also, to show that we must rest from our own work. Also, that he might comply with

the petition, "Let him kiss me with the kisses of his mouth"; also that he might ask permission of his bride to leave her. Of great virtue is the memory of the Lord's passion, which, if it be firmly held in the mind, every cloud of error and sin is dispersed. Whence the blessed Bernard says: "Always having Christ, and him crucified, in the heart."

THE BLESSED DEAD

THEY who die in the Lord are blessed, on account of two things which immediately follow. For they enter into most sweet rest, and enjoy most delicate refreshment. Concerning their rest, it immediately follows. "Even so saith the spirit" (that is, says the gloss, the whole Trinity), for they rest from their labors. "And it is a pleasant bed on which they take their rest, who, as is aforesaid, die in the Lord." For this bed is none other than the sweet consolation of the Creator. Of this consolation he speaks himself by the Prophet Isaiah: "As one whom his mother comforteth, so will I comfort you, and ye shall be comforted in Jerusalem." Of the second,—that is, the delicate refreshment of those that die in Christ,—it is immediately subjoined, and their works do follow them. For every virtue which a man has practiced by good works in this world will bring a special cup of recompense, and offer it to the soul that has entered into rest. Thus, purity of body and mind will bring one cup, justice another, which also is to be said concerning truth, love, gentleness, humility, and the other virtues. Of this holy refreshment it is written in Isaiah: "Kings shall be thy nursing fathers, and queens thy nursing mothers." By kings we understand the Father, the Son, and the Holy Ghost, who, in inseparable unity, possess the kingdom of heaven; by queens, the virtues are expressed, which, as has been said, receive the cups of refreshment from the storehouse of the Trinity, and offer them to the happy souls. Pray, therefore, dearly beloved, to the Lord, that he would so grant us to live according to his will, that we may die in him, and may evermore be comforted and refreshed by him.

ETHAN ALLEN

ETHAN ALLEN, of New York, a descendant of the Revolutionary hero made famous by the capture of Ticonderoga, has never been a professional public speaker, but from time to time, when stirred by some cause which appealed to him strongly, he has shown great power as an orator. His address of 1861, delivered in New York city, is here republished from a contemporaneous report, preserved among the papers of Mr. Enos Clarke. It was described in the newspapers of the day as "thrilling eloquence," and perhaps it is the best expression extant of the almost inconceivable excitement of the opening months of the war.

In 1872 Mr. Allen joined the Liberal Republicans and made earnest pleas for reconciliation with the South. In 1897 he took a prominent part in supporting the Cubans in their struggle for independence.

A CALL TO ARMS

(Delivered in New York city in 1861)

Fellow-Citizens: —

ONCE more the country is aroused by a call to arms. It is now nearly a century ago that our fathers assembled in mass meetings in this city to devise ways and means for this very flag which to-day we give to the winds of heaven, bearing defiance from every star. Fired, then, with the same spirit of freedom that kindles on this spot to-day, for the time throwing aside the habiliments of peace, our fathers armed themselves for vengeance and for war. The history of that war, read it in the hearts of the American people; the trials and struggles of that war, mark them in the teardrops which the very allusion brings to every eye; the blessings from that war, count them in the temples of industry and trade that arise everywhere around us; the wisdom of that war, and the honor and the perpetuity of its triumphs, behold the one in our unexampled prosperity as a nation, and the other in the impulses that, like an electric flash, bind heart to heart, throughout this vast

assemblage, in the firm resolve that, cost what it may, rebellion shall go down. Again, the American people are assembled in mass meetings throughout the nation, while the States once more rock in the throes of revolution. Once more the cry to arms reverberates throughout the land; but this time we war against domestic foes. Treason has raised its black flag near the tomb of Washington, and the Union of our States hangs her fate upon the bayonet and the sword. Accursed be the hand that would not seize the bayonet; withered the arm that would not wield the sword in such a cause! Everything that the American citizen holds dear hangs upon the issue of this contest. Our national honor and reputation demand that rebellion shall not triumph on our soil. In the name of our heroic dead, in the name of our numberless victories, in the name of our thousand peaceful triumphs, our Union shall and must be preserved! Our peaceful triumphs? These are the victories we should be jealous to guard. Let others recount their martial glories; they shall be eclipsed by the charity and the grace of the triumphs which have been won in peace. "Peace hath her victories not less renowned than war," and the hard-earned fruits of these victories rebellion shall not take from us. Our peaceful triumphs? Who shall enumerate their value to the millions yet unborn? What nation in so short a time has seen so many? On the land and on the sea, in the realms of science and in the world of art, we have everywhere gathered our honors and won our garlands. Upon the altars of the States they yet lie, fresh from gathering, while their happy influence fills the land. Of the importance and value of our thousand peaceful triumphs time will permit me to mention only one. It is now just two years ago when up the waters of the Potomac sailed the representatives of an empire till then shut out from intercourse with all Christian nations. In the Eastern seas there lay an empire of islands which had hitherto enjoyed no recognition in the Christian world other than its name upon the map. No history, as far as we know, illuminated it; no ancient time-marks told of its advancement, step by step, in the march of improvement. There it has rested for thousands of years, wrapped in the mysteries of its own exclusiveness — gloomy, dark, peculiar. It has been supposed to possess great powers; and vague rumors have attributed to it arts to us unknown. Against nearly all the world, for thousands of years, Japan has obstinately shut her doors; the wealth of the Christian

world could not tempt her cupidity; the wonders of the Christian world could not excite her curiosity. There she lay, sullen and alone, the phenomenon of nations. England and France and the other powerful governments of Europe have at various times tried to conquer this Oriental exclusiveness, but the Portuguese only partly succeeded, while all the rest have signally failed. At length we, bearing at our masthead the glorious old Stars and Stripes, approach the mysterious portals and seek an entrance. Not with cannon and the implements of death do we demand admission, but, appreciating the saying of Euripides, that

> "Resistless eloquence shall open
> The gates that steel exclude,"

we peacefully appeal to that sense of justice which is the "touch of nature that makes the whole world kin," and behold! the interdiction is removed; the doors of the mysterious empire fly open, and a new garland is added to our commercial conquests! Who shall set limits to the gain that shall follow this one victory of peace, if our government shall be perpetuated so as to gather it for the generations? Who shall say that in an unbroken, undivided union, the opening of the empire of Japan shall not accomplish for the present era all that the Reformation, the art of printing, steam, and the telegraph have done within the last three hundred years? New avenues of wealth are thrown open; new fields are to be occupied; arts new to us, perhaps, are to be studied; and science, doubtless, has revelations to make us, from that arcana of nations, equal to anything we have ever learned before. Fifty millions of people are to be enlightened; the printing press is yet to catch the daily thought and stamp it on the page; the magnetic wire must yet tremble along her highways, and Niphon yet tremble to her very centre at each heart-beat of our ocean steamers, as they sweep through her waters and thunder round her island homes. All hail, all hail, to these children of the morning; all hail, all hail, to the Great Republic of the West that calls them into life! From every age that has passed there comes a song of praise for the treaty that has been consummated. The buried masters of three thousand years start again to life and march in solemn and grand procession before the eyes of the new-found empire. Homer with his songs, Greece with her arts, Rome with her legions, and America with her heroes, all come to us with the

freshness and novelty of the newly born. Wipe off the mold that time has gathered upon their tombs, and let them all come forth and answer, at the summons of a new-born nation that calls them again to life!

Tell to these strangers the story of the resurrection. Clutching in their hands their dripping blades, the warriors recount their conquests, and joined at last in harmonious brotherhood, Copernicus, with bony fingers pointing upward, tells to Confucius his story of the stars!

Fellow-citizens, I have recounted but one of our many peaceful triumphs. Shall all these hopes of the future, shall all these peaceful victories of our people, shall all these struggles of the past be swept away by the dissolution of this Union and the destruction of the government? Forbid it, Almighty God! Rather perish a thousand times the cause of the rebellion, and over the ruins of slavery let peace once more resume her sway, and let the cannon's lips grow cold. *Delenda est Carthago*, said the old Roman patriot, when gloom settled upon his State. The rebellion must go down in the same spirit, say we all to-day. Down with party, sect, and class, and up with a sentiment of unanimity when our country calls to arms! New England leads us in the contest. The legions of Vermont are now *en route* for the field. Again, she can say with truth that "the bones of her sons lie mingling and bleaching with the soil of every State from Maine to Georgia, and there they will lie forever." New York must not be behind the Old Bay State which led a year ago. In the spirit world, Warren calls to Hamilton, and Hamilton calls back to Warren, that hand in hand their mortal children go on together to fame, to victory, or to the grave. Where the ranks are full, let us catch an inspiration from the past, and with it upon us go forth to conflict. Go call the roll on Saratoga, Bunker Hill, and Yorktown, that the sheeted dead may rise as witnesses, and tell your legions of the effort to dissolve their Union, and there receive their answer. Mad with frenzy, burning with indignation at the thought, all ablaze for vengeance upon the traitors, such shall be the fury and impetuosity of the onset that all opposition shall be swept away before them, as the pigmy yields to the avalanche that comes tumbling, rumbling, thundering from its Alpine home! Let us gather at the tomb of Washington and invoke his immortal spirit to direct us in the combat. Rising again incarnate from the tomb, in one hand he

holds that same old flag, blackened and begrimed with the smoke of a seven-years' war, and with the other hand he points us to the foe. Up and at them! Let immortal energy strengthen our arms, and infernal fury thrill us to the soul. One blow,—deep, effectual, and forever,—one crushing blow upon the rebellion, in the name of God, Washington, and the Republic!

FISHER AMES

(1758–1808)

FISHER AMES is easily first among the New England Federalist orators of the first quarter of a century of the Republic. He was greatly, sometimes extravagantly, admired by his contemporaries, and his addresses are studied as models by eminent public speakers of our own day. Dr. Charles Caldwell in his autobiography calls Ames «one of the most splendid rhetoricians of his age.» . . . «Two of his speeches,» writes Doctor Caldwell, «that on Jay's Treaty and that usually called his Tomahawk speech, because it included some resplendent passages on Indian massacre, were the most brilliant and fascinating specimens of eloquence I have ever heard, though I have listened to some of the most eloquent speakers in the British Parliament,—among others to Wilberforce and Mackintosh, Plunkett, Brougham, and Canning. Doctor Priestly who was familiar with the oratory of Pitt the father, and Pitt the son, as also with that of Burke and Fox, made to myself the acknowledgment that the speech of Ames on the British treaty was 'the most bewitching piece of eloquence' to which he had ever listened.»

Ames was born at Dedham, Massachusetts, on April 9th, 1758. His father, Nathaniel Ames, a physician, had the «honorable family standing» which was so important in the life of most of the colonies. He had scientific tendencies and published an «Astronomical Diary,» or nautical almanac, which was in considerable vogue. The son, however, developed at the early age of six years a fondness for classical literature, which led him to undertake to master Latin. He made such progress that he was admitted to Harvard when but twelve years old. While there, it «was observed that he coveted the glory of eloquence,» showing his fondness for oratory not merely in the usual debating society declamation, but by the study of classical models and of such great English poets as Shakespeare and Milton. To this, no doubt correctly, has been attributed his great command of language and his fertility in illustration. After graduating from Harvard in 1774, he studied law in Boston, served in the Massachusetts legislature, in the convention for ratifying the Federal constitution, and in the first Congress elected under the constitution. After retiring, he was called in 1804 to the presidency of Harvard. He declined

the honor, however, on account of diffidence and failing health. His death occurred on the fourth of July, 1808, in the fiftieth year of his age.

After the treaty with Great Britain (Jay's), concluded in 1794, had been ratified and proclaimed by the President, he communicated it to the House of Representatives, "in order that the necessary appropriations might be made to carry it into effect." The speech on the Treaty, delivered by Ames, was on a resolution in favor of making the appropriations thus called for, the House being in committee of the whole April 28th, 1796.

ON THE BRITISH TREATY

(Delivered in the House of Representatives, April 28, 1796)

Mr. Chairman:—

I ENTERTAIN the hope, perhaps a rash one, that my strength will hold me out to speak a few minutes.

In my judgment, a right decision will depend more on the temper and manner with which we may prevail upon ourselves to contemplate the subject than upon the development of any profound political principles, or any remarkable skill in the application of them. If we could succeed to neutralize our inclinations, we should find less difficulty than we have to apprehend in surmounting all our objections.

The suggestion, a few days ago, that the House manifested symptoms of heat and irritation, was made and retorted as if the charge ought to create surprise, and would convey reproach. Let us be more just to ourselves and to the occasion. Let us not affect to deny the existence and the intrusion of some portion of prejudice and feeling into the debate, when, from the very structure of our nature, we ought to anticipate the circumstance as a probability, and when we are admonished by the evidence of our senses that it is the fact.

How can we make professions for ourselves, and offer exhortations to the House, that no influence should be felt but that of duty, and no guide respected but that of the understanding, while the peal to rally every passion of man is continually ringing in our ears?

Our understandings have been addressed, it is true, and with ability and effect; but, I demand, has any corner of the heart been left unexplored? It has been ransacked to find auxiliary

arguments, and, when that attempt failed, to awaken the sensibilities that would require none. Every prejudice and feeling has been summoned to listen to some peculiar style of address; and yet we seem to believe and to consider as an affront a doubt that we are strangers to any influence but that of unbiased reason.

It would be strange that a subject which has aroused in turn all the passions of the country should be discussed without the interference of any of our own. We are men, and, therefore, not exempt from those passions; as citizens and representatives we feel the interests that must excite them. The hazard of great interests cannot fail to agitate strong passions. We are not disinterested; it is impossible we should be dispassionate. The warmth of such feelings may becloud the judgment, and, for a time, pervert the understanding. But the public sensibility, and our own, has sharpened the spirit of inquiry, and given an animation to the debate. The public attention has been quickened to mark the progress of the discussion, and its judgment, often hasty and erroneous on first impressions, has become solid and enlightened at last. Our result will, I hope, on that account, be the safer and more mature, as well as more accordant with that of the nation. The only constant agents in political affairs are the passions of men. Shall we complain of our nature — shall we say that man ought to have been made otherwise? It is right already, because he, from whom we derive our nature, ordained it so; and because thus made and thus acting, the cause of truth and the public good is the more surely promoted.

But an attempt has been made to produce an influence of a nature more stubborn and more unfriendly to truth. It is very unfairly pretended, that the constitutional right of this house is at stake, and to be asserted and preserved only by a vote in the negative. We hear it said that this is a struggle for liberty, a manly resistance against the design to nullify this assembly and to make it a cipher in the government; that the President and Senate, the numerous meetings in the cities, and the influence of the general alarm of the country, are the agents and instruments of a scheme of coercion and terror, to force the treaty down our throats, though we loathe it, and in spite of the clearest convictions of duty and conscience.

It is necessary to pause here and inquire whether suggestions of this kind be not unfair in their very texture and fabric, and

pernicious in all their influences. They oppose an obstacle in the path of inquiry, not simply discouraging, but absolutely insurmountable. They will not yield to argument; for as they were not reasoned up, they cannot be reasoned down. They are higher than a Chinese wall in truth's way, and built of materials that are indestructible. While this remains, it is vain to argue; it is vain to say to this mountain, Be thou cast into the sea. For, I ask of the men of knowledge of the world whether they would not hold him for a blockhead that should hope to prevail in an argument whose scope and object is to mortify the self-love of the expected proselyte? I ask, further, when such attempts have been made, have they not failed of success? The indignant heart repels a conviction that is believed to debase it.

The self-love of an individual is not warmer in its sense, nor more constant in its action, than what is called in French, *l'esprit du corps*, or the self-love of an assembly; that jealous affection which a body of men is always found to bear towards its own prerogatives and power. I will not condemn this passion. Why should we urge an unmeaning censure or yield to groundless fears that truth and duty will be abandoned, because men in a public assembly are still men, and feel that *esprit du corps* which is one of the laws of their nature? Still less should we despond or complain, if we reflect that this very spirit is a guardian instinct that watches over the life of this assembly. It cherishes the principle of self-preservation, and without its existence, and its existence with all the strength we see it possess, the privileges of the representatives of the people, and mediately the liberties of the people, would not be guarded, as they are, with a vigilance that never sleeps and an unrelaxed constancy and courage.

If the consequences, most unfairly attributed to the vote in the affirmative, were not chimerical, and worse, for they are deceptive, I should think it a reproach to be found even moderate in my zeal to assert the constitutional powers of this assembly; and whenever they shall be in real danger, the present occasion affords proof that there will be no want of advocates and champions.

Indeed, so prompt are these feelings, and, when once roused, so difficult to pacify, that if we could prove the alarm was groundless, the prejudice against the appropriations may remain on the mind, and it may even pass for an act of prudence and

duty to negative a measure which was lately believed by ourselves, and may hereafter be misconceived by others, to encroach upon the powers of the House. Principles that bear a remote affinity with usurpation on those powers will be rejected, not merely as errors, but as wrongs. Our sensibilities will shrink from a post where it is possible they may be wounded, and be inflamed by the slightest suspicion of an assault.

While these prepossessions remain, all argument is useless. It may be heard with the ceremony of attention, and lavish its own resources, and the patience it wearies, to no manner of purpose. The ears may be open; but the mind will remain locked up, and every pass to the understanding guarded.

Unless, therefore, this jealous and repulsive fear for the rights of the House can be allayed, I will not ask a hearing.

I cannot press this topic too far; I cannot address myself with too much emphasis to the magnanimity and candor of those who sit here, to suspect their own feelings, and, while they do, to examine the grounds of their alarm. I repeat it, we must conquer our persuasion that this body has an interest in one side of the question more than the other, before we attempt to surmount our objections. On most subjects, and solemn ones too, perhaps in the most solemn of all, we form our creed more from inclination than evidence.

Let me expostulate with gentlemen to admit, if it be only by way of supposition, and for a moment, that it is barely possible they have yielded too suddenly to their alarms for the powers of this House; that the addresses which have been made with such variety of forms and with so great dexterity in some of them, to all that is prejudice and passion in the heart, are either the effects or the instruments of artifice and deception, and then let them see the subject once more in its singleness and simplicity.

It will be impossible, on taking a fair review of the subject, to justify the passionate appeals that have been made to us to struggle for our liberties and rights, and the solemn exhortations to reject the proposition, said to be concealed in that on your table, to surrender them forever. In spite of this mock solemnity, I demand, if the House will not concur in the measure to execute the treaty, what other course shall we take? How many ways of proceeding lie open before us?

In the nature of things there are but three; we are either to make the treaty, to observe it, or break it. It would be absurd

to say we will do neither. If I may repeat a phrase already so much abused, we are under coercion to do one of them; and we have no power, by the exercise of our discretion, to prevent the consequences of a choice.

By refusing to act, we choose. The treaty will be broken and fall to the ground. Where is the fitness, then, of replying to those who urge upon the House the topics of duty and policy, that they attempt to force the treaty down, and to compel this assembly to renounce its discretion, and to degrade itself to the rank of a blind and passive instrument in the hands of the treaty-making power? In case we reject the appropriation, we do not secure any greater liberty of action; we gain no safer shelter than before from the consequences of the decision. Indeed, they are not to be evaded. It is neither just nor manly to complain that the treaty-making power has produced this coercion to act. It is not the act or the despotism of that power — it is the nature of things that compels. Shall we, dreading to become the blind instruments of power, yield ourselves the blinder dupes of mere sounds of imposture? Yet that word, that empty word, coercion, has given scope to an eloquence that, one would imagine, could not be tired and did not choose to be quieted.

Let us examine still more in detail the alternatives that are before us, and we shall scarcely fail to see, in still stronger lights, the futility of our apprehensions for the power and liberty of the House.

If, as some have suggested, the thing called a treaty is incomplete, — if it has no binding force or obligation, — the first question is, Will this House complete the instrument, and, by concurring, impart to it that force which it wants?

The doctrine has been avowed that the treaty, though formally ratified by the executive power of both nations, though published as a law for our own by the President's proclamation, is still a mere proposition submitted to this assembly, no way distinguishable, in point of authority or obligation, from a motion for leave to bring in a bill, or any other original act of ordinary legislation. This doctrine, so novel in our country, yet so dear to many, precisely for the reason that, in the contention for power, victory is always dear, is obviously repugnant to the very terms as well as the fair interpretation of our own resolutions (Mr. Blount's). We declare that the treaty-making power is exclusively vested in the President and Senate, and not in this

House. Need I say that we fly in the face of that resolution when we pretend that the acts of that power are not valid until we have concurred in them? It would be nonsense, or worse, to use the language of the most glaring contradiction, and to claim a share in a power which we at the same time disdain as exclusively vested in other departments.

What can be more strange than to say that the compacts of the President and Senate with foreign nations are treaties, without our agency, and yet those compacts want all power and obligation, until they are sanctioned by our concurrence? It is not my design, in this place, if at all, to go into the discussion of this part of the subject. I will, at least for the present, take it for granted, that this monstrous opinion stands in little need of remark, and if it does, lies almost out of the reach of refutation.

But, say those who hide the absurdity under the cover of ambiguous phrases, Have we no discretion? And if we have, are we not to make use of it in judging of the expediency or inexpediency of the treaty? Our resolution claims that privilege, and we cannot surrender it without equal inconsistency and breach of duty.

If there be any inconsistency in the case, it lies, not in making the appropriations for the treaty, but in the resolution itself (Mr. Blount's). Let us examine it more nearly. A treaty is a bargain between nations, binding in good faith; and what makes a bargain? The assent of the contracting parties. We allow that the treaty power is not in this House; this House has no share in contracting, and is not a party; of consequence, the President and Senate alone may make a treaty that is binding in good faith. We claim, however, say the gentlemen, a right to judge of the expediency of treaties; that is the constitutional province of our discretion. Be it so. What follows? Treaties, when adjudged by us to be inexpedient, fall to the ground, and the public faith is not hurt. This, incredible and extravagant as it may seem, is asserted. The amount of it, in plainer language, is this — the President and Senate are to make national bargains, and this House has nothing to do in making them. But bad bargains do not bind this House, and, of inevitable consequence, do not bind the nation. When a national bargain, called a treaty, is made, its binding force does not depend upon the making, but upon our opinion that it is good. . . .

To expatiate on the value of public faith may pass with some men for declamation — to such men I have nothing to say. To others I will urge, Can any circumstance mark upon a people more turpitude and debasement? Can anything tend more to make men think themselves mean, or degrade to a lower point their estimation of virtue and their standard of action?

It would not merely demoralize mankind; it tends to break all the ligaments of society, to dissolve that mysterious charm which attracts individuals to the nation, and to inspire in its stead a repulsive sense of shame and disgust.

What is patriotism? Is it a narrow affection for the spot where a man was born? Are the very clods where we tread entitled to this ardent preference because they are greener? No, sir; this is not the character of the virtue, and it soars higher for its object. It is an extended self-love, mingling with all the enjoyments of life, and twisting itself with the minutest filaments of the heart. It is thus we obey the laws of society, because they are the laws of virtue. In their authority we see, not the array of force and terror, but the venerable image of our country's honor. Every good citizen makes that honor his own, and cherishes it not only as precious, but as sacred. He is willing to risk his life in its defense, and is conscious that he gains protection while he gives it. For what rights of a citizen will be deemed inviolable when a State renounces the principles that constitute their security? Or, if his life should not be invaded, what would its enjoyments be in a country odious in the eyes of strangers and dishonored in his own? Could he look with affection and veneration to such a country as his parent? The sense of having one would die within him; he would blush for his patriotism, if he retained any, and justly, for it would be a vice. He would be a banished man in his native land.

I see no exception to the respect that is paid among nations to the law of good faith. If there are cases in this enlightened period when it is violated, there are none when it is decried. It is the philosophy of politics, the religion of governments. It is observed by barbarians — a whiff of tobacco smoke, or a string of beads, gives not merely binding force, but sanctity to treaties. Even in Algiers a truce may be bought for money; but, when ratified, even Algiers is too wise, or too just, to disown and annul its obligation. Thus, we see neither the ignorance of savages nor the principles of an association for piracy and rapine,

permit a nation to despise its engagements. If, sir, there could be a resurrection from the foot of the gallows, if the victims of justice could live again, collect together and form a society, they would, however loath, soon find themselves obliged to make justice, that justice under which they fell, the fundamental law of their state. They would perceive it was their interest to make others respect, and they would therefore soon pay some respect themselves to the obligations of good faith.

It is painful, I hope it is superfluous, to make even the supposition, that America should furnish the occasion of this opprobrium. No, let me not even imagine that a republican government, sprung as our own is, from a people enlightened and uncorrupted, a government whose origin is right, and whose daily discipline is duty, can, upon solemn debate, make its option to be faithless — can dare to act what despots dare not avow, what our own example evinces, the states of Barbary are unsuspected of. No, let me rather make the supposition that Great Britain refuses to execute the treaty, after we have done everything to carry it into effect. Is there any language of reproach pungent enough to express your commentary on the fact? What would you say, or rather what would you not say? Would you not tell them, wherever an Englishman might travel, shame would stick to him — he would disown his country. You would exclaim, England, proud of your wealth, and arrogant in the possession of power — blush for these distinctions, which become the vehicles of your dishonor. Such a nation might truly say to corruption, Thou art my father, and to the worm, Thou art my mother and my sister. We should say of such a race of men, their name is a heavier burden than their debt.

I can scarcely persuade myself to believe that the consideration I have suggested requires the aid of any auxiliary. But, unfortunately, auxiliary arguments are at hand. Five millions of dollars, and probably more, on the score of spoliations committed on our commerce, depend upon the treaty. The treaty offers the only prospect of indemnity. Such redress is promised as the merchants place some confidence in. Will you interpose and frustrate that hope, leaving to many families nothing but beggary and despair? It is a smooth proceeding to take a vote in this body; it takes less than half an hour to call the yeas and nays and reject the treaty. But what is the effect of it? What, but this? The very men formerly so loud for redress, such fierce

champions that even to ask for justice was too mean and too slow, now turn their capricious fury upon the sufferers and say, by their vote, to them and their families, No longer eat bread; petitioners, go home and starve; we can not satisfy your wrongs and our resentments.

Will you pay the sufferers out of the treasury? No. The answer was given two years ago, and appears on our journals. Will you give them letters of marque and reprisal to pay themselves by force? No; that is war. Besides, it would be an opportunity for those who have already lost much to lose more. Will you go to war to avenge their injury? If you do, the war will leave you no money to indemnify them. If it should be unsuccessful, you will aggravate existing evils; if successful, your enemy will have no treasure left to give our merchants; the first losses will be confounded with much greater, and be forgotten. At the end of a war there must be a negotiation, which is the very point we have already gained; and why relinquish it? And who will be confident that the terms of the negotiation, after a desolating war, would be more acceptable to another House of Representatives than the treaty before us? Members and opinions may be so changed that the treaty would then be rejected for being what the present majority say it should be. Whether we shall go on making treaties and refusing to execute them, I know not. Of this I am certain, it will be very difficult to exercise the treaty-making power on the new principles, with much reputation or advantage to the country.

The refusal of the posts (inevitable if we reject the treaty) is a measure too decisive in its nature to be neutral in its consequences. From great causes we are to look for great effects. A plain and obvious one will be the price of the western lands will fall. Settlers will not choose to fix their habitation on a field of battle. Those who talk so much of the interest of the United States should calculate how deeply it will be affected by rejecting the treaty; how vast a tract of wild land will almost cease to be property. The loss, let it be observed, will fall upon a fund expressly devoted to sink the national debt. What, then, are we called upon to do? However the form of the vote and the protestations of many may disguise the proceeding, our resolution is in substance, and it deserves to wear the title of a resolution to prevent the sale of the western lands and the discharge of the public debt.

Will the tendency to Indian hostilities be contested by any one? Experience gives the answer. The frontiers were scourged with war till the negotiation with Great Britain was far advanced, and then the state of hostility ceased. Perhaps the public agents of both nations are innocent of fomenting the Indian war, and perhaps they are not. We ought not, however, to expect that neighboring nations, highly irritated against each other, will neglect the friendship of the savages; the traders will gain an influence and will abuse it; and who is ignorant that their passions are easily raised, and hardly restrained from violence? Their situation will oblige them to choose between this country and Great Britain, in case the treaty should be rejected. They will not be our friends, and at the same time the friends of our enemies.

But am I reduced to the necessity of proving this point? Certainly the very men who charged the Indian war on the detention of the posts, will call for no other proofs than the recital of their own speeches. It is remembered with what emphasis, with what acrimony, they expatiated on the burden of taxes, and the drain of blood and treasure into the western country, in consequence of Britain's holding the posts. Until the posts are restored, they exclaimed, the treasury and the frontiers must bleed.

If any, against all these proofs, should maintain that the peace with the Indians will be stable without the posts, to them I will urge another reply. From arguments calculated to produce conviction, I will appeal directly to the hearts of those who hear me, and ask whether it is not already planted there. I resort especially to the convictions of the western gentlemen, whether, supposing no posts and no treaty, the settlers will remain in security. Can they take it upon them to say that an Indian peace, under these circumstances, will prove firm? No, sir; it will not be peace, but a sword; it will be no better than a lure to draw victims within the reach of the tomahawk.

On this theme, my emotions are unutterable. If I could find words for them — if my powers bore any proportion to my zeal — I would swell my voice to such a note of remonstrance, it should reach every log house beyond the mountains. I would say to the inhabitants, Wake from your false security; your cruel dangers, your more cruel apprehensions, are soon to be renewed; the wounds, yet unhealed, are to be torn open again; in the day-

time, your path through the woods will be ambushed; the darkness of midnight will glitter with the blaze of your dwellings. You are a father—the blood of your sons shall fatten your cornfield; you are a mother—the war-whoop shall wake the sleep of the cradle.

On this subject you need not suspect any deception on your feelings. It is a spectacle of horror which can not be overdrawn. If you have nature in your hearts, it will speak a language compared with which all I have said or can say will be poor and frigid.

Will it be whispered that the treaty has made a new champion for the protection of the frontiers? It is known that my voice as well as vote has been uniformly given in conformity with the ideas I have expressed. Protection is the right of the frontiers; it is our duty to give it.

Who will accuse me of wandering out of the subject? Who will say that I exaggerate the tendencies of our measures? Will any one answer by a sneer, that all this is idle preaching? Will any one deny that we are bound, and I would hope to good purpose, by the most solemn sanctions of duty, for the vote we give? Are despots alone to be approached for unfeeling indifference to the tears and blood of their subjects? Are republicans unresponsible? Have the principles, on which you ground the reproach upon cabinets and kings, no practical influence, no binding force? Are they merely themes of idle declamation, introduced to decorate the morality of a newspaper essay, or to furnish pretty topics of harangue from the windows of that state house? I trust it is neither too presumptuous nor too late to ask, Can you put the dearest interest of society at risk without guilt, and without remorse?

It is vain to offer as an excuse, that public men are not to be reproached for the evils that may happen to ensue from their measures. This is very true, where they are unforeseen or inevitable. Those I have depicted are not unforeseen; they are so far from inevitable, we are going to bring them into being by our vote. We choose the consequences, and become as justly answerable for them as for the measure that we know will produce them.

By rejecting the posts, we light the savage fires—we bind the victims. This day we undertake to render account to the widows and orphans whom our decision will make, to the wretches that

will be roasted at the stake, to our country, and I do not deem it too serious to say, to conscience and to God. We are answerable, and if duty be anything more than a word of imposture, if conscience be not a bugbear, we are preparing to make ourselves as wretched as our country.

There is no mistake in this case; there can be none. Experience has already been the prophet of events, and the cries of our future victims have already reached us. The western inhabitants are not a silent and uncomplaining sacrifice. The voice of humanity issues from the shade of their wilderness. It exclaims, that while one hand is held up to reject this treaty, the other grasps a tomahawk. It summons our imagination to the scenes that will open. It is no great effort to the imagination to conceive that events so near are already begun. I can fancy that I listen to the yells of savage vengeance and the shrieks of torture. Already they seem to sigh in the west wind — already they mingle with every echo from the mountains.

It is not the part of prudence to be inattentive to the tendencies of measures. Where there is any ground to fear that these will be pernicious, wisdom and duty forbid that we should underrate them. If we reject the treaty, will our peace be as safe as if we executed it with good faith? I do honor to the intrepid spirit of those who say it will. It was formerly understood to constitute the excellence of a man's faith to believe without evidence and against it.

But as opinions on this article are changed, and we are called to act for our country, it becomes us to explore the dangers that will attend its peace, and to avoid them if we can.

Few of us here, and fewer still in proportion of our constituents, will doubt that, by rejecting, all those dangers will be aggravated. . . .

ST. ANSELM

(1032–1109)

ST. ANSELM, who has been called the acutest thinker and profoundest theologian of his day, was born in Piedmont about 1032. Educated under the celebrated Lanfranc, he went to England in 1093 and became Archbishop of Canterbury. He was banished by William Rufus as a result of a conflict between royal and ecclesiastical prerogative. He died in 1109. Neale calls him the last of the great fathers except St. Bernard, and adds that "he probably possessed the greatest genius of all except St. Augustine."

The sermon here given, the third of the sixteen extant, is given entire from Neale's translation. It is one of the best examples of the Middle-Age style of interpreting all Scripture as metaphor and parable. It contains, moreover, a number of striking passages, such as, "It is a proof of great virtue to struggle with happiness."

THE SEA OF LIFE

"AND straightway Jesus constrained his disciples to get into a ship, and to go before him to the other side, while he sent the multitude away." (Matt. xiv. 22.)

In this section, according to its mystical interpretation, we have a summary description of the state of the Church, from the coming of the Savior to the end of the world. For the Lord constrained his Disciples to get into a ship, when he committed the Church to the government of the Apostles and their followers. And thus to go before him unto the other side,—that is, to bear onwards towards the haven of the celestial country, before he himself should entirely depart from the world. For, with his elect, and on account of his elect, he ever remains here until the consummation of all things; and he is preceded to the other side of the sea of this world by those who daily pass hence to the Land of the Living. And when he shall have sent all that are his to that place, then, leaving the multitude of the

reprobate, and no longer warning them to be converted, but giving them over to perdition, he will depart hence that he may be with his elect alone in the kingdom.

Whence it is added, "while he sent the multitude away." For in the end of the world he will "send away the multitude" of his enemies, that they may then be hurried by the Devil to everlasting damnation. "And when he had sent the multitude away, he went up in a mountain to pray." He will not send away the multitude of the Gentiles till the end of the world; but he did dismiss the multitude of the Jewish people at the time when, as saith Isaiah, "He commanded his clouds that they should rain no rain upon it"; that is, he commanded his Apostles that they should preach no longer to the Jews, but should go to the Gentiles. Thus, therefore, he sent away that multitude, and "went up into a mountain"; that is, to the height of the celestial kingdom, of which it had been written, "Who shall ascend into the hill of the Lord, or who shall rise up in his holy place?" For a mountain is a height, and what is higher than heaven? There the Lord ascended. And he ascended alone, "for no man hath ascended up into heaven save he that came down from heaven, even the Son of Man which is in heaven." And even when he shall come at the end of the world, and shall have collected all of us, his members, together, and shall have raised us into heaven, he will also ascend alone, because Christ, the head, is one with his body. But now the Head alone ascends,—the Mediator of God and man—the man Christ Jesus. And he goes up to pray, because he went to the Father to intercede for us. "For Christ is not entered into holy places made with hands, which are figures of the true, but into heaven itself, now to appear in the presence of God for us."

It follows: "And when the evening was come, he was there alone." This signifies the nearness of the end of the world, concerning which John also speaks: "Little children, it is the last time." Therefore it is said that, "when the evening was come, he was there alone," because, when the world was drawing to its end, he by himself, as the true high priest, entered into the holy of holies, and is there at the right hand of God, and also maketh intercession for us. But while he prays on the mountain, the ship is tossed with waves in the deep. For, since the billows arise, the ship may be tossed; but since Christ prays, it cannot be overwhelmed. . . .

We may notice, also, that this commotion of the waves, and tottering or half-sinking of Peter, takes place even in our time, according to the spiritual sense daily. For every man's own besetting sin is the tempest. You love God; you walk upon the sea; the swellings of this world are under your feet. You love the world; it swallows you up; its wont is to devour, not to bear up, its lovers. But when your heart fluctuates with the desire of sin, call on the divinity of Christ, that you may conquer that desire. You think that the wind is then contrary when the adversity of this world rises against you, and not also when its prosperity fawns upon you. For when wars, when tumults, when famine, when pestilence comes, when any private calamity happens even to individual men, then the wind is thought adverse, and then it is held right to call upon God; but when the world smiles with temporal felicity, then, forsooth, the wind is not contrary. Do not, by such tokens as these, judge of the tranquillity of the time; but judge of it by your own temptations. See if you are tranquil within yourself; see if no internal tempest is overwhelming you. It is a proof of great virtue to struggle with happiness, so that it shall not seduce, corrupt, subvert. Learn to trample on this world; remember to trust in Christ. And if your foot be moved,—if you totter,—if there be some temptations that you cannot overcome,—if you begin to sink, cry out to Jesus, Lord, save me. In Peter, therefore, the common condition of all of us is to be considered; so that, if the wind of temptation endeavor to upset us in any matter, or its billows to swallow us up, we may cry to Christ. He shall stretch forth his hand, and preserve us from the deep.

It follows: "And when he was come into the ship, the wind ceased." In the last day he shall ascend into the ship of the Church, because then he shall sit upon the throne of his glory; which throne may not unfitly be understood of the Church. For he who by faith and good works now and always dwells in the Church shall then, by the manifestation of his glory, enter into it. And then the wind shall cease, because evil spirits shall no more have the power of sending forth against it the flames of temptation or the commotions of troubles; for then all things shall be at peace and at rest.

It follows: "Then they that were with him in the ship came and worshipped him, saying, Of a truth thou art the Son of God." They who remain faithfully in the Church amidst the

tempests of temptations will approach to him with joy, and, entering into his kingdom with him, will worship him; and, praising him perpetually, will affirm him of a truth to be the Son of God. Then, also, that will happen which is written concerning the elect raised from death: "All flesh shall come and shall worship before my face," saith the Lord. And again: "Blessed are they that dwell in thy house; they will always be praising thee." For him, whom with their heart they believe unto righteousness, and with their mouth confess to salvation, him they shall see with their heart to light, and with their mouth shall praise to glory, when they behold how ineffably he is begotten of the Father, with whom he liveth and reigneth, in the unity of the Holy Ghost, God to all ages of ages. Amen.

THOMAS ARNOLD

(1795–1842)

DOCTOR THOMAS ARNOLD, the celebrated head master of Rugby, was born June 13th, 1795, at West Cowes, in the Isle of Wight, where his father, William Arnold, was a Collector of Customs. After several years at Winchester school, he went to Oxford where in 1815 he was elected a fellow of Oriel College. His intellectual bent showed at Oxford, on the one hand, in fondness for Aristotle and Thucydides, and on the other in what one of his friends has described as «an earnest, penetrating, and honest examination of Christianity.» As a result of this honesty and earnestness, he became and remains a great force wherever English is spoken. Elected head master of Rugby in December 1827, and remaining in charge of that school for nearly fourteen years, he almost revolutionized and did much to civilize the English system of public education. When he left Rugby, in December 1841, it was to go to Oxford as professor of Modern History, but his death, June 12th, 1842, left him remembered by the English-speaking world as «Arnold of Rugby.» He left five volumes of sermons, an edition of 'Thucydides,' a 'History of Rome' in three volumes, and other works, but his greatest celebrity has been given him by the enthusiastic love which his manly Christian character inspired in his pupils and acquaintances, furnishing as it did the master motive of 'Tom Brown at Rugby,' a book which is likely to hold the place it has taken next to 'Robinson Crusoe' among English classics for the young.

The sermon here republished from the text given in 'Simons's Sermons of Great Preachers,' is an illustration of the eloquence which appeals to the mind of others, not through musical and beautiful language so much as through deep thought and compact expression.

THE REALITIES OF LIFE AND DEATH

«God is not the God of the dead, but of the living.»—Matt. xxii. 32

WE HEAR these words as a part of our Lord's answer to the Sadducees; and, as their question was put in evident profaneness, and the answer to it is one which to our minds is quite obvious and natural, so we are apt to think that in this particular story there is less than usual that particularly concerns us. But it so happens, that our Lord, in answering the Sadducees, has brought in one of the most universal and most solemn of all truths,—which is indeed implied in many parts of the Old Testament, but which the Gospel has revealed to us in all its fullness,—the truth contained in the words of the text, that «God is not the God of the dead, but of the living.»

I would wish to unfold a little what is contained in these words, which we often hear even, perhaps, without quite understanding them; and many times oftener without fully entering into them. And we may take them, first, in their first part, where they say that «God is not the God of the dead.»

The word «dead,» we know, is constantly used in Scripture in a double sense, as meaning those who are dead spiritually, as well as those who are dead naturally. And, in either sense, the words are alike applicable: «God is not the God of the dead.»

God's not being the God of the dead signifies two things: that they who are without him are dead, as well as that they who are dead are also without him. So far as our knowledge goes respecting inferior animals, they appear to be examples of this truth. They appear to us to have no knowledge of God; and we are not told that they have any other life than the short one of which our senses inform us. I am well aware that our ignorance of their condition is so great that we may not dare to say anything of them positively; there may be a hundred things true respecting them which we neither know nor imagine. I would only say that, according to that most imperfect light in which we see them, the two points of which I have been speaking appear to meet in them: we believe that they have no consciousness of God, and we believe that they will die. And so far, therefore, they afford an example of the agreement, if I may so speak, between these two points; and were intended, perhaps, to be to our view a continual image of it. But we had far better speak

of ourselves. And here, too, it is the case that "God is not the God of the dead." If we are without him we are dead; and if we are dead we are without him: in other words, the two ideas of death and absence from God are in fact synonymous.

Thus, in the account given of the fall of man, the sentence of death and of being cast out of Eden go together; and if any one compares the description of the second Eden in the Revelation, and recollects how especially it is there said, that God dwells in the midst of it, and is its light by day and night, he will see that the banishment from the first Eden means a banishment from the presence of God. And thus, in the day that Adam sinned, he died; for he was cast out of Eden immediately, however long he may have moved about afterwards upon the earth where God was not. And how very strong to the same point are the words of Hezekiah's prayer, "The grave cannot praise thee, Death cannot celebrate thee; they that go down into the pit cannot hope for thy truth"; words which express completely the feeling that God is not the God of the dead. This, too, appears to be the sense generally of the expression used in various parts of the Old Testament, "Thou shalt surely die." It is, no doubt, left purposely obscure; nor are we ever told, in so many words, all that is meant by death; but, surely, it always implies a separation from God, and the being — whatever the notion may extend to — the being dead to him. Thus, when David had committed his great sin, and had expressed his repentance for it, Nathan tells him, "The Lord also hath put away thy sin; thou shalt not die": which means, most expressively, thou shalt not die to God. In one sense David died, as all men die; nor was he by any means freed from the punishment of his sin: he was not, in that sense, forgiven; but he was allowed still to regard God as his God; and, therefore, his punishments were but fatherly chastisements from God's hand, designed for his profit, that he might be partaker of God's holiness. And thus, although Saul was sentenced to lose his kingdom, and although he was killed with his sons on Mount Gilboa, yet I do not think that we find the sentence passed upon him, "Thou shalt surely die;" and, therefore, we have no right to say that God had ceased to be his God, although he visited him with severe chastisements, and would not allow him to hand down to his sons the crown of Israel. Observe, also, the language of the eighteenth chapter of Ezekiel, where the expressions occur so often, "He shall surely live," and "He shall

surely die." We have no right to refer these to a mere extension on the one hand, or a cutting short on the other, of the term of earthly existence. The promise of living long in the land, or, as in Hezekiah's case, of adding to his days fifteen years, is very different from the full and unreserved blessing, "Thou shalt surely live." And we know, undoubtedly, that both the good and the bad to whom Ezekiel spoke died alike the natural death of the body. But the peculiar force of the promise, and of the threat, was, in the one case, Thou shalt belong to God; in the other, Thou shalt cease to belong to him; although the veil was not yet drawn up which concealed the full import of those terms, "belonging to God," and "ceasing to belong to him": nay, can we venture to affirm that it is fully drawn aside even now?

I have dwelt on this at some length, because it really seems to place the common state of the minds of too many amongst us in a light which is exceedingly awful; for if it be true, as I think the Scripture implies, that to be dead, and to be without God, are precisely the same thing, then can it be denied that the symptoms of death are strongly marked upon many of us? Are there not many who never think of God or care about his service? Are there not many who live, to all appearances, as unconscious of his existence as we fancy the inferior animals to be? And is it not quite clear, that to such persons, God cannot be said to be their God? He may be the God of heaven and earth, the God of the universe, the God of Christ's Church; but he is not their God, for they feel to have nothing at all to do with him; and, therefore, as he is not their God, they are, and must be, according to the Scripture, reckoned among the dead.

But God is the God "of the living." That is, as before, all who are alive, live unto him; all who live unto him are alive. "God said, I am the God of Abraham, and the God of Isaac, and the God of Jacob;" and, therefore, says our Lord, "Abraham, and Isaac, and Jacob are not and cannot be dead." They cannot be dead because God owns them; he is not ashamed to be called their God; therefore, they are not cast out from him; therefore, by necessity, they live. Wonderful, indeed, is the truth here implied, in exact agreement, as we have seen, with the general language of Scripture; that, as she who but touched the hem of Christ's garment was, in a moment, relieved from her infirmity, so great was the virtue which went out from him; so they who are not cast out from God, but have anything whatever to do

with him, feel the virtue of his gracious presence penetrating their whole nature; because he lives, they must live also.

Behold, then, life and death set before us; not remote (if a few years be, indeed, to be called remote), but even now present before us; even now suffered or enjoyed. Even now we are alive unto God or dead unto God; and, as we are either the one or the other, so we are, in the highest possible sense of the terms, alive or dead. In the highest possible sense of the terms; but who can tell what that highest possible sense of the terms is? So much has, indeed, been revealed to us, that we know now that death means a conscious and perpetual death, as life means a conscious and perpetual life. But greatly, indeed, do we deceive ourselves, if we fancy that, by having thus much told us, we have also risen to the infinite heights, or descended to the infinite depths, contained in those little words, life and death. They are far higher, and far deeper, than ever thought or fancy of man has reached to. But, even on the first edge of either, at the visible beginnings of that infinite ascent or descent, there is surely something which may give us a foretaste of what is beyond. Even to us in this mortal state, even to you advanced but so short a way on your very earthly journey, life and death have a meaning: to be dead unto God or to be alive to him, are things perceptibly different.

For, let me ask of those who think least of God, who are most separate from him, and most without him, whether there is not now actually, perceptibly, in their state, something of the coldness, the loneliness, the fearfulness of death? I do not ask them whether they are made unhappy by the fear of God's anger; of course they are not: for they who fear God are not dead to him, nor he to them. The thought of him gives them no disquiet at all; this is the very point we start from. But I would ask them whether they know what it is to feel God's blessing. For instance: we all of us have our troubles of some sort or other, our disappointments, if not our sorrows. In these troubles, in these disappointments,—I care not how small they may be,—have they known what it is to feel that God's hand is over them; that these little annoyances are but his fatherly correction; that he is all the time loving us, and supporting us? In seasons of joy, such as they taste very often, have they known what it is to feel that they are tasting the kindness of their heavenly Father, that their good things come from his hand, and are but an infinitely

slight foretaste of his love? Sickness, danger,—I know that they come to many of us but rarely; but if we have known them, or at least sickness, even in its lighter form, if not in its graver,—have we felt what it is to know that we are in our Father's hands, that he is with us, and will be with us to the end; that nothing can hurt those whom he loves? Surely, then, if we have never tasted anything of this: if in trouble, or in joy, or in sickness, we are left wholly to ourselves, to bear as we can, and enjoy as we can; if there is no voice that ever speaks out of the heights and the depths around us, to give any answer to our own; if we are thus left to ourselves in this vast world,—there is in this a coldness and a loneliness; and whenever we come to be, of necessity, driven to be with our own hearts alone, the coldness and the loneliness must be felt. But consider that the things which we see around us cannot remain with us, nor we with them. The coldness and loneliness of the world, without God, must be felt more and more as life wears on: in every change of our own state, in every separation from or loss of a friend, in every more sensible weakness of our own bodies, in every additional experience of the uncertainty of our own counsels,—the deathlike feeling will come upon us more and more strongly: we shall gain more of that fearful knowledge which tells us that "God is not the God of the dead."

And so, also, the blessed knowledge that he is the God "of the living" grows upon those who are truly alive. Surely he "is not far from every one of us." No occasion of life fails to remind those who live unto him, that he is their God, and that they are his children. On light occasions or on grave ones, in sorrow and in joy, still the warmth of his love is spread, as it were, all through the atmosphere of their lives: they for ever feel his blessing. And if it fills them with joy unspeakable even now, when they so often feel how little they deserve it; if they delight still in being with God, and in living to him, let them be sure that they have in themselves the unerring witness of life eternal:—God is the God of the living, and all who are with him must live.

Hard it is, I well know, to bring this home, in any degree, to the minds of those who are dead: for it is of the very nature of the dead that they can hear no words of life. But it has happened that, even whilst writing what I have just been uttering to you, the news reached me that one, who two months ago was

one of your number, who this very half-year has shared in all the business and amusements of this place, is passed already into that state where the meanings of the terms life and death are become fully revealed. He knows what it is to live unto God, and what it is to die to him. Those things which are to us unfathomable mysteries, are to him all plain: and yet but two months ago he might have thought himself as far from attaining this knowledge as any of us can do. Wherefore it is clear, that these things, life and death, may hurry their lesson upon us sooner than we deem of, sooner than we are prepared to receive it. And that were indeed awful, if, being dead to God, and yet little feeling it, because of the enjoyments of our worldly life these enjoyments were of a sudden to be struck away from us, and we should find then that to be dead to God is death indeed, a death from which there is no waking and in which there is no sleeping forever.

CHESTER ALAN ARTHUR

(1830–1886)

IF "ELOQUENCE consists in saying all that is necessary and no more," President Arthur's inaugural address is one of its best examples. He was placed in a position of the gravest difficulty. He had been nominated for Vice-President as a representative of the "Stalwart" Republicans when that element of the party had been defeated in National convention by the element then described as "Half-Breeds." After the assassination of President Garfield by the "paranoiac" Guiteau, the country waited with breathless interest to hear what the Vice-President would say in taking the Presidency. With a tact which amounted to genius, which never failed him during his administration, which in its results showed itself equivalent to the highest statesmanship, Mr. Arthur, a man to whom his opponents had been unwilling to concede more than mediocre abilities, rose to the occasion, disarmed factional oppositions, mitigated the animosity of partisanship, and during his administration did more than had been done before him to re-unite the sections divided by Civil War.

He was born in Fairfield, Vermont, October 5th, 1830. His father, Rev. William Arthur, a Baptist clergyman, born in Ireland, gave him a good education, sending him to Union College where he graduated in 1848. After teaching school in Vermont, he studied law and began practice in New York city. Entering politics as a Henry Clay Whig, and casting his first vote in 1852 for Winfield Scott, he was active as a Republican in the Fremont campaign of 1856 and from that time until elected to the Vice-Presidency took that strong interest in public affairs which led his opponents to class him as a "professional politician." During the Civil War he was inspector-general and quarter-master general of New York troops. In 1871 President Grant appointed him collector of the port of New York and he held the office until July 1878, when he was suspended by President Hayes. Taking an active part in the movement to nominate General Grant for the Presidency to succeed Mr. Hayes, he attended the Republican convention of 1880, and after the defeat of the Grant forces, he was nominated as their representative for the Vice-Presidency. He died suddenly in New York city, November 18th, 1886, having won for himself during his administration as President

the good-will of so many of his political opponents that the future historian will probably study his administration as that during which the most notable changes of the decade were made from the politics of the Civil War period.

INAUGURAL ADDRESS

(Delivered September 22d, 1881)

FOR the fourth time in the history of the Republic its chief magistrate has been removed by death. All hearts are filled with grief and horror at the hideous crime which has darkened our land, and the memory of the murdered President, his protracted sufferings, his unyielding fortitude, the example and achievements of his life and the pathos of his death will forever illumine the pages of our history.

For the fourth time, the officer elected by the people and ordained by the constitution to fill a vacancy so created, is called to assume the executive chair. The wisdom of our fathers, foreseeing even the most dire possibilities, made sure that the government should never be imperiled because of the uncertainty of human life. Men may die but the fabric of our free institutions remains unshaken. No higher or more assuring proof could exist of the strength and permanence of popular government than the fact that though the chosen of the people be struck down, his constitutional successor is peacefully installed without shock or strain except that of the sorrow which mourns the bereavement. All the noble aspirations of my lamented predecessor, which found expression during his life, the measures devised and suggested during his brief administration to correct abuses, to enforce economy, to advance prosperity, to promote the general welfare, to insure domestic security and maintain friendly and honorable relations with the nations of the earth, will be garnered in the hearts of the people and it will be my earnest endeavor to profit and to see that the nation shall profit by his example and experience.

Prosperity blesses our country. Our fiscal policy as fixed by law is well-grounded and generally approved. No threatening issue mars our foreign intercourse and the wisdom, integrity, and thrift of our people may be trusted to continue undisturbed the present career of peace, tranquillity, and welfare. The gloom and

anxiety which have enshrouded the country must make repose especially welcome now. No demand for speedy legislation has been heard; no adequate occasion is apparent for an unusual session of Congress. The constitution defines the functions and powers of the executive as clearly as those of either of the other two departments of the government, and he must answer for the just exercise of the discretion it permits and the performance of the duties it imposes. Summoned to these high duties and responsibilities, and profoundly conscious of their magnitude and gravity, I assume the trust imposed by the constitution, relying for aid on divine guidance and on the virtue, patriotism, and intelligence of the American people.

ATHANASIUS

(298–373)

ATHANASIUS, patriarch of Alexandria, owes his great celebrity chiefly to the controversy with the Arians, in which for half a century he was at the head of the orthodox party in the Church. He was born at Alexandria in the year 298, and was ordained a priest at the age of twenty-one. He accompanied his bishop, Alexander, to the Council of Nice in 325, and when under thirty years old succeeded to the bishopric, on the death of Alexander. His success in the Arian controversy was not achieved without cost, since, as an incident of it, he spent twenty years in banishment. His admirers credit him with "a deep mind, invincible courage, and living faith," but as his orations and discourses were largely controversial, the interest which now attaches to them is chiefly historical. The following was preached from the seventh and eighth verses of the Forty-Fifth Psalm.

THE DIVINITY OF CHRIST

BEHOLD, O ye Arians, and acknowledge hence the truth. The Psalmist speaks of us all as fellows or partakers of the Lord, but were he one of things which come out of nothing and of things generated he himself had been one of those who partake. But since he hymned him as the eternal God, saying, "Thy throne, O God, is forever and ever," and has declared that all other things partake of him, what conclusion must we draw, but that he is distinct from generated things, and he only the Father's veritable word, radiance, and wisdom, which all things generate partake, being sanctified by him in the Spirit? And, therefore, he is here "anointed," not that he may become God, for he was so even before; nor that he may become king, for he had the kingdom eternally, existing as God's image, as the sacred oracle shows; but in our behalf is this written, as before. For the Israelitish kings, upon their being anointed, then became kings, not being so before, as David, as Ezekias, as Josias, and the rest; but the Savior, on the contrary, being God, and ever

ruling in the Father's kingdom, and being himself the Dispenser of the Holy Ghost, nevertheless is here said to be anointed, that, as before, being said as man to be anointed with the Spirit, he might provide for us more, not only exaltation and resurrection, but the indwelling and intimacy of the Spirit. And signifying this, the Lord himself hath said by his own mouth, in the Gospel according to John: "I have sent them into the world, and for their sakes do I sanctify myself, that they may be sanctified in the truth." In saying this, he has shown that he is not the sanctified, but the Sanctifier; for he is not sanctified by other, but himself sanctifies himself, that we may be sanctified in the truth. He who sanctifies himself is Lord of sanctification. How, then, does this take place? What does he mean but this? "I, being the Father's Word, I give to myself, when become man, the Spirit; and myself, become man, do I sanctify in him, that henceforth in me, who am truth (for "Thy Word is Truth"), all may be sanctified."

If, then, for our sake, he sanctifies himself, and does this when he becomes man, it is very plain that the Spirit's descent on him in Jordan was a descent upon us, because of his bearing our body. And it did not take place for promotion to the Word, but again for our sanctification, that we might share his anointing, and of us it might be said, Know ye not that ye are God's temple, and the Spirit of God dwelleth in you? For when the Lord, as man, was washed in Jordan, it was we who were washed in him and by him. And when he received the Spirit, we it was who, by him, were made recipients of it. And, moreover, for this reason, not as Aaron, or David, or the rest, was he anointed with oil, but in another way, above all his fellows, "with the oil of gladness," which he himself interprets to be the Spirit, saying by the prophet, "The Spirit of the Lord is upon me, because the Lord hath anointed me"; as also the Apostle has said, "How God anointed him with the Holy Ghost." When, then, were these things spoken of him, but when he came in the flesh, and was baptized in Jordan, and the spirit descended on him? And, indeed, the Lord himself said, "The Spirit shall take of mine," and "I will send him"; and to his Disciples, "Receive ye the Holy Ghost." And, notwithstanding, he who, as the word and radiance of the Father, gives to others, now is said to be sanctified, because now he has become Man, and the Body that is sanctified is his. From him, then, we have begun to receive the unction and the

seal, John saying, "And ye have an unction from the Holy One"; and the Apostle, "And ye were sealed with the Holy Spirit of promise." Therefore, because of us, and for us, are these words.

What advance, then, of promotion, and reward of virtue, or generally of conduct, is proved from this in our Lord's instance? For if he was not God, and then had become God — if, not being king, he was preferred to the kingdom, your reasoning would have had some faint plausibility. But if he is God, and the throne of his kingdom is everlasting, in what way could God advance? Or what was there wanting to him who was sitting on his Father's throne? And if, as the Lord himself has said, the Spirit is his, and takes of his, and he sends it, it is not the Word, considered as the Word and Wisdom, who is anointed with the Spirit, which he himself gives, but the flesh assumed by him, which is anointed in him and by him; that the sanctification coming to the Lord as man, may come to all men from him. For, not of itself, saith he, doth the Spirit speak, but the word is he who gives it to the worthy. For this is like the passage considered above; for, as the Apostle hath written, "Who, existing in form of God, thought it not robbery to be equal with God, but humbled himself, and took a servant's form," so David celebrates the Lord, as the everlasting God and king, but sent to us, and assuming our body, which is mortal. For this is his meaning in the Psalm, "All thy garments smell of myrrh, aloes, and cassia"; and it is represented by Nicodemus's and by Mary's company, when he came, bringing a mixture of myrrh and aloes, about an hundred pounds weight; and they took the spices which they had prepared for the burial of the Lord's body.

What advancement, then, was it to the Immortal to have assumed the mortal? Or what promotion is it to the Everlasting to have put on the temporal? What reward can be great to the Everlasting God and King, in the bosom of the Father? See ye not, that this, too, was done and written because of us and for us, that us who are mortal and temporal, the Lord, become man, might make immortal, and bring into the everlasting kingdom of heaven? Blush ye not, speaking lies against the divine oracles? For when our Lord Jesus Christ had been among us, we, indeed, were promoted, as rescued from sin; but he is the same, nor did he alter when he became man (to repeat what I have said), but, as has been written, "The word of God abideth forever." Surely as, before his becoming man, he, the Word, dispensed to the saints

the Spirit as his own; so also, when made man, he sanctifies all by the Spirit, and says to his Disciples, "Receive ye the Holy Ghost." And he gave to Moses and the other seventy; and through him David prayed to the Father, saying, "Take not thy Holy Spirit from me." On the other hand, when made man, he said, "I will send to you the Paraclete, the Spirit of Truth"; and he sent him, he, the Word of God, as being faithful.

Therefore "Jesus Christ is the same yesterday, to-day, and forever," remaining unalterable, and at once gives and receives, giving as God's Word, receiving as man. It is not the Word then, viewed as the Word, that is promoted,—for he had all things and has had them always,—but men, who have in him and through him their origin of receiving them. For, when he is now said to be anointed in a human respect, we it is who in him are anointed; since also, when he is baptized, we it is who in him are baptized. But on all these things the Savior throws much light, when he says to the Father, "And the glory which thou gavest me, I have given to them, that they may be one, even as we are one." Because of us, then, he asked for glory, and the words occur, "took" and "gave" and "highly exalted," that we might take, and to us might be given, and we might be exalted, in him; as also for us he sanctifies himself, that we might be sanctified in him.

But if they take advantage of the word "wherefore," as connected with the passage in the Psalm, "Wherefore God, even thy God, hath anointed thee," for their own purposes, let these novices in Scripture and masters in irreligion know that, as before, the word "wherefore" does not imply reward of virtue or conduct in the Word, but the reason why he came down to us, and of the Spirit's anointing, which took place in him for our sakes. For he says not, "Wherefore he anointed thee in order to thy being God or King or Son or Word,"—for so he was before, and is forever, as has been shown,—but rather, "Since thou art God and king, therefore thou wast anointed, since none but thou couldst unite man to the Holy Ghost, thou the image of the Father, in which we were made in the beginning; for thine is even the Spirit." For the nature of things generate could give no warranty for this, angels having transgressed, and men disobeyed. Wherefore there was need of God; and the Word is God; that those who had become under a curse, he himself might set free. If then he was of nothing, he would not

have been the Christ or Anointed, being one among others and having fellowship as the rest. But, whereas he is God, as being the Son of God, and is everlasting King, and exists as radiance and expression of the Father, wherefore fitly is he the expected Christ, whom the Father announces to mankind, by revelation to his holy prophets; that as through him we have come to be, so also in him all men might be redeemed from their sins, and by him all things might be ruled. And this is the cause of the anointing which took place in him, and of the incarnate presence of the Word; which the Psalmist foreseeing, celebrates, first his Godhead and kingdom, which is the Father's, in these tones, «Thy throne, O God, is forever and ever; a sceptre of righteousness is the sceptre of thy kingdom»; then announces his descent to us thus: «Wherefore God, even thy God, hath anointed thee with the oil of gladness above thy fellows.»

SAINT AUGUSTINE

(354-430)

SAINT AUGUSTINE who is always classed as one of the four great Latin fathers is generally conceded to be chief among them in natural strength of intellect. Saint Jerome, who excelled him in knowledge of classical literature, is his inferior in intellectual acuteness; and certainly no other theologian of the earlier ages of the Church has done so much as has Saint Augustine to influence the thought of its strongest minds.

Augustine (Aurelius Augustinus) was a Numidian by birth. He had a Christian mother, whose devotion resulted in his conversion, as well as in that of his father, who seems to have been a man of liberal mind, aware of the value of literary education. Augustine was well versed in the Latin classics. The extent of his knowledge of Greek literature has been questioned, but it is conceded that he knew the language, at least well enough for purposes of comparative study of the Scripture text.

As a young man, his ideas of morality, as we know from his 'Confessions,' were not severe. He was not extraordinarily licentious, but he had the introspective sensitiveness which seems to characterize great genius wherever it is found, and in his later life he looked with acute pain on the follies of his youth.

Becoming a Christian at the age of twenty-three, he was ordained a priest four years later, and in 395 became Bishop of Hippo. Of his literary works, his book 'The City of God' is accounted his masterpiece, though it is not so generally read as his 'Confessions.' The sermon on the Lord's Prayer here given as an illustration of his style in the pulpit, is from his 'Homilies on the New Testament,' as translated in Parker's 'Library of the Fathers.'

THE LORD'S PRAYER

THE order established for your edification requires that ye learn first what to believe, and afterwards what to ask. For so saith the Apostle, "Whosoever shall call upon the name of the Lord shall be saved." This testimony blessed Paul cited out of the Prophet; for by the Prophet were those times foretold, when all men should call upon God; "Whosoever shall call upon the name of the Lord shall be saved." And he added, "How then shall they call on him in whom they have not believed? And how shall they believe in him of whom they have not heard? Or how shall they hear without a preacher? Or how shall they preach except they be sent?" Therefore were preachers sent. They preached Christ. As they preached, the people heard; by hearing they believed, and by believing called upon him. Because then it was most rightly and most truly said, "How shall they call on him in whom they have not believed?" therefore have ye first learned what to believe: and to-day have learned to call on him in whom ye have believed.

The Son of God, our Lord Jesus Christ, hath taught us a prayer; and though he be the Lord himself, as ye have heard and repeated in the Creed, the Only Son of God, yet he would not be alone. He is the Only Son, and yet would not be alone; he hath vouchsafed to have brethren. For to whom doth he say, "Say, Our Father, which art in heaven?" Whom did he wish us to call our father, save his own father? Did he grudge us this? Parents sometimes when they have gotten one, or two, or three children, fear to give birth to any more, lest they reduce the rest to beggary. But because the inheritance which he promised us is such as many may possess, and no one be straitened, therefore hath he called into his brotherhood the peoples of the nations; and the only son hath numberless brethren, who say, "Our Father, which art in heaven." So said they who have been before us; and so shall say those who will come after us. See how many brethren the only son hath in his grace, sharing his inheritance with those for whom he suffered death. We had a father and mother on earth, that we might be born to labors and to death; but we have found other parents, God our father and the Church our mother, by whom we are born unto life eternal. Let us then consider,

beloved, whose children we have begun to be; and let us live so as becomes those who have such a father. See, how that our Creator hath condescended to be our Father.

We have heard whom we ought to call upon, and with what hope of an eternal inheritance we have begun to have a father in heaven; let us now hear what we must ask of him. Of such a father what shall we ask? Do we not ask rain of him, to-day, and yesterday, and the day before? This is no great thing to have asked of such a father, and yet ye see with what sighings, and with what great desire we ask for rain, when death is feared,— when that is feared which none can escape. For sooner or later every man must die, and we groan, and pray, and travail in pain, and cry to God, that we may die a little later. How much more ought we to cry to him, that we may come to that place where we shall never die!

Therefore it is said, "Hallowed be thy name." This we also ask of him that his name may be hallowed in us; for holy is it always. And how is his name hallowed in us, except while it makes us holy? For once we were not holy, and we are made holy by his name; but he is always holy, and his name always holy. It is for ourselves, not for God, that we pray. For we do not wish well to God, to whom no ill can ever happen. But we wish what is good for ourselves, that his holy name may be hallowed, that that which is always holy, may be hallowed in us.

"Thy kingdom come." Come it surely will, whether we ask or no. Indeed, God hath an eternal kingdom. For when did he not reign? When did he begin to reign? For his kingdom hath no beginning, neither shall it have any end. But that ye may know that in this prayer also we pray for ourselves, and not for God (For we do not say, "Thy kingdom come," as though we were asking that God may reign); we shall be ourselves his kingdom, if believing in him we make progress in this faith. All the faithful, redeemed by the blood of his only son, will be his kingdom. And this his kingdom will come, when the resurrection of the dead shall have taken place; for then he will come himself. And when the dead are risen, he will divide them, as he himself saith, "and he shall set some on the right hand, and some on the left." To those who shall be on the right hand he will say, "Come, ye blessed of my Father, receive the kingdom." This is what we wish and pray for when we say, "Thy kingdom come"; that it may come to us. For if we shall be reprobates, that

kingdom shall come to others, but not to us. But if we shall be of that number, who belong to the members of his only-begotten son, his kingdom will come to us, and will not tarry. For are there as many ages yet remaining as have already passed away? The Apostle John hath said, "My little children, it is the last hour." But it is a long hour proportioned to this long day; and see how many years this last hour lasteth. But, nevertheless, be ye as those who watch, and so sleep, and rise again, and reign. Let us watch now, let us sleep in death; at the end we shall rise again, and shall reign without end.

"Thy will be done as in heaven, so in earth." The third thing we pray for is, that his will may be done as in heaven so in earth. And in this, too, we wish well for ourselves. For the will of God must necessarily be done. It is the will of God that the good should reign, and the wicked be damned. Is it possible that this will should not be done? But what good do we wish for ourselves, when we say, "Thy will be done as in heaven, so in earth?" Give ear. For this petition may be understood in many ways, and many things are to be in our thoughts in this petition, when we pray God, "Thy will be done as in heaven, so in earth." As thy angels offend thee not, so may we also not offend thee. Again, how is "Thy will be done as in heaven, so in earth," understood? All the holy Patriarchs, all the Prophets, all the Apostles, all the spiritual are, as it were, God's heaven; and we in comparison of them are earth. "Thy will be done in heaven, so in earth"; as in them, so in us also. Again, "Thy will be done as in heaven, so in earth"; the Church of God is heaven, his enemies are earth. So we wish well for our enemies, that they too may believe and become Christians, and so the will of God be done as in heaven, so also in earth. Again, "Thy will be done as in heaven, so in earth." Our spirit is heaven, and the flesh earth. As our spirit is renewed by believing, so may our flesh be renewed by rising again; and "the will of God be done as in heaven, so in earth." Again, our mind whereby we see truth, and delight in this truth, is heaven; as, "I delight in the law of God, after the inward man." What is the earth? "I see another law in my members, warring against the law of my mind?" When this strife shall have passed away, and a full concord be brought about of the flesh and spirit, the will of God will be done as in heaven, so also in earth. When we repeat this petition, let us think of all these things, and ask them all of

the Father. Now all these things which we have mentioned, these three petitions, beloved, have respect to the life eternal. For if the name of our God is sanctified in us, it will be for eternity. If his kingdom come, where we shall live forever, it will be for eternity. If his will be done as in heaven, so in earth, in all the ways which I have explained, it will be for eternity.

There remain now the petitions for this life of our pilgrimage; therefore follows, "Give us this day our daily bread." Give us eternal things, give us things temporal. Thou hast promised a kingdom, deny us not the means of subsistence. Thou wilt give everlasting glory with thyself hereafter, give us in this earth temporal support. Therefore is it day by day, and to-day, that is, in this present time. For when this life shall have passed away, shall we ask for daily bread then? For then it will not be called day by day, but to-day. Now it is called day by day, when one day passes away, and another day succeeds. Will it be called day by day when there will be one eternal day? This petition for daily bread is doubtless to be understood in two ways, both for the necessary supply of our bodily food, and for the necessities of our spiritual support. There is a necessary supply of bodily food, for the preservation of our daily life, without which we cannot live. This is food and clothing, but the whole is understood in a part. When we ask for bread, we thereby understand all things. There is a spiritual food, also, which the faithful know, which ye, too, will know when ye shall receive it at the altar of God. This also is "daily bread," necessary only for this life. For shall we receive the Eucharist when we shall have come to Christ himself, and begun to reign with him forever? So then the Eucharist is our daily bread; but let us in such wise receive it, that we be not refreshed in our bodies only, but in our souls. For the virtue which is apprehended there, is unity, that gathered together into his body, and made his members, we may be what we receive. Then will it be, indeed, our daily bread. Again, what I am handling before you now is "daily bread"; and the daily lessons which ye hear in church are daily bread, and the hymns ye hear and repeat are daily bread. For all these are necessary in our state of pilgrimage. But when we shall have got to heaven, shall we hear the Word, we who shall see the Word himself, and hear the Word himself, and eat and drink him as the angels do

now? Do the angels need books, and interpreters, and readers? Surely not. They read in seeing, for the truth itself they see, and are abundantly satisfied from that fountain, from which we obtain some few drops. Therefore has it been said touching our daily bread, that this petition is necessary for us in this life.

"Forgive us our debts, as we forgive our debtors." Is this necessary except in this life? For in the other we shall have no debts. For what are debts, but sins? See, ye are on the point of being baptized, then all your sins will be blotted out, none whatever will remain. Whatever evil ye have ever done, in deed, or word, or desire, or thought, all will be blotted out. And yet if in the life which is after baptism there were security from sin, we should not learn such a prayer as this, "Forgive us our debts." Only let us by all means do what comes next, "As we forgive our debtors." Do ye then, who are about to enter in to receive a plenary and entire remission of your debts, do ye above all things see that ye have nothing in your hearts against any other, so as to come forth from baptism secure, as it were, free and discharged of all debts, and then begin to purpose to avenge yourselves on your enemies, who in time past have done you wrong. Forgive, as ye are forgiven. God can do no one wrong, and yet he forgiveth who oweth nothing. How then ought he to forgive who is himself forgiven, when he forgiveth all who oweth nothing that can be forgiven him?

"Lead us not into temptation, but deliver us from evil." Will this again be necessary in the life to come? "Lead us not into temptation," will not be said except where there can be temptation. We read in the book of holy Job, "Is not the life of man upon earth a temptation?" What, then, do we pray for? Hear what. The Apostle James saith, "Let no man say when he is tempted, I am tempted of God." He spoke of those evil temptations whereby men are deceived, and brought under the yoke of the devil. This is the kind of temptation he spoke of. For there is another sort of temptation which is called a proving; of this kind of temptation it is written, "The Lord your God tempteth [proveth] you to know whether ye love him." What means "to know"? "To make you know," for he knoweth already. With that kind of temptation whereby we are deceived and seduced, God tempteth no man. But undoubtedly in his deep and hidden judgment he abandons some. And when he hath abandoned them, the tempter finds his opportunity. For he finds in him no

resistance against his power, but forthwith presents himself to him as his possessor, if God abandon him. Therefore, that he may not abandon us, do we say, "Lead us not into temptation." "For every one is tempted," says the same Apostle James, "when he is drawn away of his own lust and enticed. Then lust, when it hath conceived, bringeth forth sin; and sin, when it is finished, bringeth forth death." What, then, has he hereby taught us? To fight against our lusts. For ye are about to put away your sins in holy baptism; but lusts will still remain, wherewith ye must fight after that ye are regenerate. For a conflict with your own selves still remains. Let no enemy from without be feared; conquer thine own self, and the whole world is conquered. What can any tempter from without, whether the devil or the devil's minister, do against thee? Whosoever sets the hope of gain before thee to seduce thee, let him only find no covetousness in thee; and what can he who would tempt thee by gain effect? Whereas, if covetousness be found in thee, thou takest fire at the sight of gain, and art taken by the bait of this corrupt food. But if we find no covetousness in thee, the trap remains spread in vain. Or should the tempter set before thee some woman of surpassing beauty; if chastity be within, iniquity from without is overcome. Therefore, that he may not take thee with the bait of a strange woman's beauty, fight with thine own lust within; thou hast no sensible perception of thine enemy, but of thine own concupiscence thou hast. Thou dost not see the devil, but the object that engageth thee thou dost see. Get the mastery then over that of which thou art sensible within. Fight valiantly, for he who hath regenerated thee is thy judge; he hath arranged the lists, he is making ready the crown. But because thou wilt without doubt be conquered, if thou have not him to aid thee, if he abandon thee, therefore dost thou say in the prayer, "Lead us not into temptation." The judge's wrath hath given over some to their own lusts; and the Apostle says, "God gave them over to the lusts of their hearts." How did he give them up? Not by forcing, but by forsaking them.

"Deliver us from evil," may belong to the same sentence. Therefore, that thou mayst understand it to be all one sentence, it runs thus, "Lead us not into temptation, but deliver us from evil." Therefore, he added "but," to show that all this belongs to one sentence, "Lead us not into temptation, but deliver us from evil." How is this? I will propose them singly. "Lead

us not into temptation, but deliver us from evil.» By delivering us from evil, he leadeth us not into temptation; by not leading us into temptation, he delivereth us from evil.

And, truly, it is a great temptation, dearly beloved, it is a great temptation in this life, when that in us is the subject of temptation whereby we attain pardon if, in any of our temptations, we have fallen. It is a frightful temptation when that is taken from us whereby we may be healed from the wounds of other temptations. I know that ye have not yet understood me. Give me your attention, that ye may understand. Suppose, avarice tempts a man, and he is conquered in any single temptation (for sometimes even a good wrestler and fighter may get roughly handled): avarice, then, has got the better of a man, good wrestler though he be, and he has done some avaricious act. Or there has been a passing lust; it has not brought the man to fornication, nor reached unto adultery — for when this does take place, the man must at all events be kept back from the criminal act. But he «hath seen a woman to lust after her»; he has let his thoughts dwell on her with more pleasure than was right; he has admitted the attack; excellent combatant though he be, he has been wounded, but he has not consented to it; he has beaten back the motion of his lust, has chastised it with the bitterness of grief, he has beaten it back; and has prevailed. Still, in the very fact that he had slipped, has he ground for saying, «Forgive us our debts.» And so of all other temptations, it is a hard matter that in them all there should not be occasion for saying, «Forgive us our debts.» What, then, is that frightful temptation which I have mentioned, that grievous, that tremendous temptation, which must be avoided with all our strength, with all our resolution; what is it? When we go about to avenge ourselves. Anger is kindled, and the man burns to be avenged. O frightful temptation! Thou art losing that, whereby thou hadst to attain pardon for other faults. If thou hadst committed any sin as to other senses, and other lusts, hence mightest thou have had thy cure, in that thou mightest say, «Forgive us our debts, as we also forgive our debtors.» But whoso instigateth thee to take vengeance will lose for thee the power thou hadst to say, «As we also forgive our debtors.» When that power is lost, all sins will be retained; nothing at all is remitted.

Our Lord and Master, and Savior, knowing this dangerous temptation in this life, when he taught us six or seven petitions

in this prayer, took none of them for himself to treat of, and to commend to us with greater earnestness, than this one. Have we not said, "Our Father, which art in heaven," and the rest which follows? Why after the conclusion of the prayer, did he not enlarge upon it to us, either as to what he had laid down in the beginning, or concluded with at the end, or placed in the middle? For why said he not, if the name of God be not hallowed in you, or if ye have no part in the kingdom of God, or if the will of God be not done in you, as in heaven, or if God guard you not, that ye enter not into temptation; why none of all these? but what saith he? "Verily I say unto you, that if ye forgive men their trespasses," in reference to that petition, "Forgive us our debts, as we also forgive our debtors." Having passed over all the other petitions which he taught us, this he taught us with an especial force. There was no need of insisting so much upon those sins in which if a man offend, he may know the means whereby he may be cured: need of it there was with regard to that sin in which, if thou sin, there is no means whereby the rest can be cured. For this thou oughtest to be ever saying, "Forgive us our debts." What debts? There is no lack of them, for we are but men; I have talked somewhat more than I ought, have said something I ought not, have laughed more than I ought, have eaten more than I ought, have listened with pleasure to what I ought not, have drunk more than I ought, have seen with pleasure what I ought not, have thought with pleasure on what I ought not; "Forgive us our debts, as we also forgive our debtors." This if thou hast lost, thou art lost thyself.

Take heed, my brethren, my sons, sons of God, take heed, I beseech you, in that I am saying to you. Fight to the uttermost of your powers with your own hearts. And if ye shall see your anger making a stand against you, pray to God against it, that God may make thee conqueror of thyself, that God may make thee conqueror, I say, not of thine enemy without, but of thine own soul within. For he will give thee his present help, and will do it. He would rather that we ask this of him, than rain. For ye see, beloved, how many petitions the Lord Christ hath taught us; and there is scarce found among them one which speaks of daily bread, that all our thoughts may be molded after the life to come. For what can we fear that he will not give us, who hath promised and said, "Seek ye first the kingdom of God

and his righteousness, and all these things shall be added unto you; for your Father knoweth that ye have need of these things before ye ask him." "Seek ye first the kingdom of God and his righteousness, and all these things shall be added unto you." For many have been tried even with hunger, and have been found gold, and have not been forsaken by God. They would have perished with hunger, if the daily inward bread were to leave their heart. After this let us chiefly hunger. For, "Blessed are they who hunger and thirst after righteousness, for they shall be filled." But he can in mercy look upon our infirmity, and see us, as it is said, "Remember that we are dust." He who from the dust made and quickened man, for that his work of clay's sake, gave his only son to death. Who can explain, who can worthily so much as conceive, how much he loveth us?

THE DUEL.

Photogravure after the Original Painting by J. Munsch.

IN SPITE of Bacon's opposition, duels remained fashionable in England until the close of the Eighteenth Century, the costumes of which are here so effectively illustrated. With the coming of the Nineteenth Century, his ideal of civilization was realized in this respect as it has been in the adoption of his Scientific method.

FRANCIS BACON

(1561–1626)

FRANCIS BACON, Baron Verulam and Viscount St. Albans, is called by one of his contemporaries, "the eloquentest man in England." Perhaps those who read his legal arguments before the Star Chamber may not see this eloquence so fully exemplified in them as in his incomparable essays; but wherever he speaks, it is Francis Bacon speaking. It is doubtful if any other man ever lived who has even approached him in the power of controlling his own and subsequent times by purely intellectual means. Until his time, Aristotle had no rival in the domain of pure intellect. Since he lived, the higher mind of the world has owned his mastery and has shown the results of the inspiration of his intellectual daring in following, regardless of consequences, the "inductive method," the determination to make truth fruitful through experiment, which has resulted in the scientific accomplishments of the modern world. Lucretius writes of the pleasure of knowing truth as like that a man on shore in a storm has in seeing the struggles of those who are about to be shipwrecked:—

"'Tis sweet when the seas are roughened by violent winds to view on land the toils of others; not that there is pleasure in seeing others in distress, but because man is glad to know himself secure. It is pleasant, too, to look with no share of peril on the mighty contests of war; but nothing is sweeter than to reach those calm, undisturbed temples, raised by the wisdom of philosophers, whence thou mayst look down on poor, mistaken mortals, wandering up and down in life's devious ways."—(Lucretius ii. 1, translated by Ramage.)

"Suave mari magno turbantibus æquora ventis,
E terra magnum alterius spectare laborem;
Non quia vexari quenquam est jucunda voluptas,
Sed quibus ipse malis careas, quia cernere suave est," etc.

Perhaps the spirit of the ancient learning was never so well expressed elsewhere as in these lines. In what may be called a plea for the possibilities of the nineteenth and twentieth centuries Bacon answered it.

"Is there any such happiness for a man's mind to be raised above the confusion of things where he may have the prospect of the order of nature

and error of man? But is this view of delight only and not of discovery — of contentment, and not of benefit? Shall he not as well discern the riches of Nature's warehouse as the beauties of her shop? Is truth ever barren? Shall he not be able thereby to produce worthy effects and to endow the life of man with infinite commodities?»

Among the «infinite commodities» already developed from the thought flowing into and out of the mind which framed these sublime sentences are the steam engine, the electric motor, the discoveries of the microscope in the treatment of disease, the wonders of chemistry, working out practical results to alleviate human misery, and to increase steadily from year to year, and from century to century, the sum of human comfort. Looking forward to this, Bacon worked for it until his whole life became a manifestation of his master-thought. It may be said with literal truth that he died of it, for the cold which brought him his death resulted from his rashness in leaving his carriage, when sick, to experiment on the arrest of putrefaction by freezing. The idea came to him. It was winter and the ground was covered with snow. He was feeble, but he left his carriage to stuff snow into the carcass of a chicken he had procured for the experiment. The experiment succeeded, and centuries later, as a result of it, England is fed with the meat of America and Australia. But Bacon died after it, leaving behind him ideas which stamp him as the greatest and brightest, whether or not he was also «the meanest of mankind.» On this latter point, he may speak for himself, as he does thus in the volume 'State Trials' from which his speech on Dueling, before the Star Chamber, here used, is extracted:—

(Howell's, Vol. ii.): «Upon advised consideration of the charge, descending into my own conscience and calling my memory to account, as far as I am able, I do plainly and ingenuously confess that I am guilty of corruption, and do renounce all defense and put myself upon the grace and mercy of your lordships. . . . To the nineteenth article, *viz.*, 'That in the cause between Reynell and Peacock, he received from Reynell two hundred pounds and a diamond ring worth four or five hundred pounds,' I confess and declare that on my first coming to the Seal when I was at Whitehall, my servant Hunt delivered me two hundred pounds from Sir George Reynell, my near ally, to be bestowed upon furniture of my house, adding further that he had received divers former favors from me. And this was, as I verily think, before any suit was begun. The ring was received certainly *pendente lite*, and though it was at New Year's tide it was too great a value for a New Year's gift, though, I take it, nothing near the value mentioned in the article.»

That while Lord Chancellor of England he took gifts intended to corrupt justice, he confessed to his shame, but he does not seem to have been wholly able to decide whether in doing so he broke faith

with those who wished to corrupt him, or with the kingdom and constitution of England he represented, against their desire to purchase justice. He seems to have believed that though his conduct was corrupt, his decisions were honest. He says, indeed, that in spite of his bribe-taking, "he never had bribe or reward in his eye or thought when he pronounced any sentence or order."

This cannot be admitted in excuse even for Bacon, but his moral weakness, if it obscure for the time the splendor of his intellect, died with him, while his genius, marvelously radiant above that of any other of the last ten centuries, still illuminates the path of every pioneer of progress.

His address to the Star Chamber on Dueling was delivered in the proceedings against Mr. William Priest for writing and sending a challenge, and Mr. Richard Wright for carrying it, January 26th, 1615, Bacon being then the King's attorney-general. The text is from T. B. Howell's 'State Trials,' London 1816.

SPEECH AGAINST DUELING

MY LORDS, I thought it fit for my place, and for these times, to bring to hearing before your lordships some cause touching private duels, to see if this court can do any good to tame and reclaim that evil, which seems unbridled. And I could have wished that I had met with some greater persons, as a subject for your censure; both because it had been more worthy of this presence, and also the better to have shown the resolution I myself have to proceed without respect of persons in this business. But finding this cause on foot in my predecessor's time, I thought to lose no time in a mischief that groweth every day; and besides, it passes not amiss sometimes in government, that the greater sort be admonished by an example made in the meaner, and the dog to be eaten before the lion. Nay, I should think, my lords, that men of birth and quality will leave the practice, when it begins to be vilified, and come so low as to barber-surgeons and butchers, and such base mechanical persons. And for the greatness of this presence, in which I take much comfort, both as I consider it in itself, and much more in respect it is by his Majesty's direction, I will supply the meanness of the particular cause, by handling of the general point: to the end that by the occasion of this present cause, both my purpose of prosecution against duels and the opinion of the court, without

which I am nothing, for the censure of them may appear, and thereby offenders in that kind may read their own case, and know what they are to expect; which may serve for a warning until example may be made in some greater person, which I doubt the times will but too soon afford.

Therefore, before I come to the particular, whereof your lordships are now to judge, I think the time best spent to speak somewhat (1) of the nature and greatness of this mischief; (2) of the causes and remedies; (3) of the justice of the law of England, which some stick not to think defective in this matter; (4) of the capacity of this court, where certainly the remedy of this mischief is best to be found; (5) touching mine own purpose and resolution, wherein I shall humbly crave your lordships' aid and assistance.

For the mischief itself, it may please your lordships to take into your consideration that, when revenge is once extorted out of the magistrate's hands, contrary to God's ordinance, *mihi vindicta, ego retribuam*, and every man shall bear the sword, not to defend, but to assail, and private men begin once to presume to give law to themselves and to right their own wrongs, no man can foresee the danger and inconveniences that may arise and multiply thereupon. It may cause sudden storms in court, to the disturbance of his Majesty and unsafety of his person. It may grow from quarrels to bandying, and from bandying to trooping, and so to tumult and commotion; from particular persons to dissension of families and alliances; yea, to national quarrels, according to the infinite variety of accidents, which fall not under foresight. So that the State by this means shall be like to a distempered and imperfect body, continually subject to inflammations and convulsions. Besides, certainly both in divinity and in policy, offenses of presumption are the greatest. Other offenses yield and consent to the law that it is good, not daring to make defense, or to justify themselves; but this offense expressly gives the law an affront, as if there were two laws, one a kind of gown law and the other a law of reputation, as they term it. So that Paul's and Westminster, the pulpit and the courts of justice, must give place to the law, as the King speaketh in his proclamation, of ordinary tables, and such reverend assemblies; the Yearbooks, and statute books must give place to some French and Italian pamphlets, which handle the doctrines of duels, which, if they be in the right, *transeamus ad illa*, let us

receive them, and not keep the people in conflict and distraction between two laws. Again, my lords, it is a miserable effect, when young men full of towardness and hope, such as the poets call "*Auroræ filii*," sons of the morning, in whom the expectation and comfort of their friends consisteth, shall be cast away and destroyed in such a vain manner. But much more it is to be deplored when so much noble and genteel blood should be spilt upon such follies, as, if it were adventured in the field in service of the King and realm, were able to make the fortune of a day and change the future of a kingdom. So your lordships see what a desperate evil this is; it troubleth peace; it disfurnisheth war; it bringeth calamity upon private men, peril upon the State, and contempt upon the law.

Touching the causes of it: the first motive, no doubt, is a false and erroneous imagination of honor and credit; and therefore the King, in his last proclamation, doth most aptly and excellently call them bewitching duels. For, if one judge of it truly, it is no better than a sorcery that enchanteth the spirits of young men, that bear great minds with a false show, *species falsa;* and a kind of satanical illusion and apparition of honor against religion, against law, against moral virtue, and against the precedents and examples of the best times and valiantest nations; as I shall tell you by and by, when I shall show you that the law of England is not alone in this point. But then the seed of this mischief being such, it is nourished by vain discourses and green and unripe conceits, which, nevertheless, have so prevailed as though a man were staid and sober-minded and a right believer touching the vanity and unlawfulness of these duels; yet the stream of vulgar opinion is such, as it imposeth a necessity upon men of value to conform themselves, or else there is no living or looking upon men's faces; so that we have not to do, in this case, so much with particular persons as with unsound and depraved opinions, like the dominations and spirits of the air which the Scripture speaketh of. Hereunto may be added that men have almost lost the true notion and understanding of fortitude and valor. For fortitude distinguisheth of the grounds of quarrels whether they be just; and not only so, but whether they be worthy; and setteth a better price upon men's lives than to bestow them idly. Nay, it is weakness and disesteem of a man's self, to put a man's life upon such ledger performances. A man's life is not to be trifled away; it is to be offered up and

sacrificed to honorable services, public merits, good causes, and noble adventures. It is in expense of blood as it is in expense of money. It is no liberality to make a profusion of money upon every vain occasion; nor no more is it fortitude to make effusion of blood, except the cause be of worth. And thus much for the cause of this evil.

For the remedies. I hope some great and noble person will put his hand to this plough, and I wish that my labors of this day may be but forerunners to the work of a higher and better hand. But yet to deliver my opinion as may be proper for this time and place, there be four things that I have thought on, as the most effectual for the repressing of this depraved custom of particular combats.

The first is, that there do appear and be declared a constant and settled resolution in the State to abolish it. For this is a thing, my lords, must go down at once or not at all; for then every particular man will think himself acquitted in his reputation, when he sees that the State takes it to heart, as an insult against the King's power and authority, and thereupon hath absolutely resolved to master it; like unto that which we set down in express words in the edict of Charles IX. of France, touching duels, that the King himself took upon him the honor of all that took themselves grieved or interested for not having performed the combat. So must the State do in this business; and in my conscience there is none that is but of a reasonable sober disposition, be he never so valiant, except it be some furious person that is like a firework, but will be glad of it, when he shall see the law and rule of State disinterest him of a vain and unnecessary hazard.

Secondly, care must be taken that this evil be no more cockered, nor the humor of it fed; wherein I humbly pray your lordships, that I may speak my mind freely, and yet be understood aright. The proceedings of the great and noble commissioners martial I honor and reverence much, and of them I speak not in any sort. But I say the compounding of quarrels, which is otherwise in use by private noblemen and gentlemen, is so punctual, and hath such reference and respect unto the received conceits, what is beforehand, and what is behindhand, and I cannot tell what, as without all question it doth, in a fashion, countenance and authorize this practice of duels, as if it had in it somewhat of right.

Thirdly, I must acknowledge that I learned out of the King's last proclamation, the most prudent and best applied remedy for this offense, if it shall please his Majesty to use it, that the wit of man can devise. This offense, my lords, is grounded upon a false conceit of honor; and therefore it would be punished in the same kind, *in eo quis rectissime plectitur, in quo peccat.* The fountain of honor is the King and his aspect, and the access to his person continueth honor in life, and to be banished from his presence is one of the greatest eclipses of honor that can be. If his Majesty shall be pleased that when this court shall censure any of these offenses in persons of eminent quality, to add this out of his own power and discipline, that these persons shall be banished and excluded from his court for certain years, and the courts of his queen and prince, I think there is no man that hath any good blood in him will commit an act that shall cast him into that darkness that he may not behold his sovereign's face.

Lastly, and that which more properly concerneth this court. We see, my lords, the root of this offense is stubborn; for it despiseth death, which is the utmost of punishments; and it were a just but a miserable severity to execute the law without all remission or mercy, where the case proveth capital. And yet the late severity in France was more, where by a kind of martial law, established by ordinance of the King and Parliament, the party that had slain another was presently had to the gibbet, insomuch as gentlemen of great quality were hanged, their wounds bleeding, lest a natural death should prevent the example of justice. But, my lords, the course which we shall take is of far greater lenity, and yet of no less efficacy; which is to punish, in this court, all the middle acts and proceedings which tend to the duel, which I will enumerate to you anon, and so to hew and vex the root in the branches, which, no doubt, in the end will kill the root, and yet prevent the extremity of law.

Now for the law of England, I see it excepted to, though ignorantly, in two points. The one, that it should make no difference between an insidious and foul murder, and the killing of a man upon fair terms, as they now call it. The other, that the law hath not provided sufficient punishment and reparations for contumely of words, as the lie, and the like. But these are no better than childish novelties against the divine law, and against

all laws in effect, and against the examples of all the bravest and most virtuous nations of the world.

For first, for the law of God, there is never to be found any difference made in homicide, but between homicide voluntary and involuntary, which we term misadventure. And for the case of misadventure itself, there were cities of refuge; so that the offender was put to his flight, and that flight was subject to accident, whether the revenger of blood should overtake him before he had gotten sanctuary or no. It is true that our law hath made a more subtle distinction between the will inflamed and the will advised, between manslaughter in heat and murder upon prepensed malice or cold blood, as the soldiers call it; an indulgence not unfit for a choleric and warlike nation; for it is true, *ira furor brevis*, a man in fury is not himself. This privilege of passion the ancient Roman law restrained, but to a case; that was, if the husband took the adulterer in the manner. To that rage and provocation only it gave way, that a homicide was justifiable. But for a difference to be made in killing and destroying man, upon a forethought purpose, between foul and fair, and, as it were, between single murder and vied murder, it is but a monstrous child of this latter age, and there is no shadow of it in any law, divine or human. Only it is true, I find in the Scripture that Cain enticed his brother into the field and slew him treacherously; but Lamech vaunted of his manhood, that he would kill a young man, and if it were to his hurt; so as I see no difference between an insidious murder and a braving or presumptuous murder, but the difference between Cain and Lamech.

As for examples in civil states, all memory doth consent, that Græcia and Rome were the most valiant and generous nations of the world; and that, which is more to be noted, they were free estates, and not under a monarchy; whereby a man would think it a great deal the more reason that particular persons should have righted themselves. And yet they had not this practice of duels, nor anything that bare show thereof; and sure they would have had it, if there had been any virtue in it. Nay, as he saith, "*Fas est et ab hoste doceri.*" It is memorable, that which is reported by a counsel or ambassador of the emperor, touching the censure of the Turks of these duels. There was a combat of this kind performed by two persons of quality of the Turks, wherein one of them was slain, and the other party was converted before the council of bashaws. The manner of the reprehension was in

these words: "How durst you undertake to fight one with the other? Are there not Christians enough to kill? Did you not know that whether of you shall be slain, the loss would be the great seignor's?" So, as we may see, the most warlike nations, whether generous or barbarous, have ever despised this wherein now men glory.

It is true, my lords, that I find combats of two natures authorized, how justly I will not dispute as to the latter of them. The one, when upon the approaches of armies in the face one of the other, particular persons have made challenges for trial of valors in the field upon the public quarrel. This the Romans called "*pugna per provocationem.*" And this was never, but either between the generals themselves, who were absolute, or between particulars by license of the generals; never upon private authority. So you see David asked leave when he fought with Goliath; and Joab, when the armies were met, gave leave, and said "Let the young man play before us." And of this kind was that famous example in the wars of Naples, between twelve Spaniards and twelve Italians, where the Italians bore away the victory; besides other infinite like examples worthy and laudable, sometimes by singles, sometimes by numbers.

The second combat is a judicial trial of right, where the right is obscure, introduced by the Goths and the northern nations, but more anciently entertained in Spain. And this yet remains in some cases as a divine lot of battle, though controverted by divines, touching the lawfulness of it; so that a wise writer saith: "*Taliter pugnantes videntur tentare Deum, quia hoc volunt ut Deus ostendat et faciat miraculum, ut justam causam habens victor efficiatur, quod sæpe contra accidit.*" But whosoever it be, this kind of fight taketh its warrant from law. Nay, the French themselves, whence this folly seemeth chiefly to have flown, never had it but only in practice and toleration, and never as authorized by law; and yet now of late they have been fain to purge their folly with extreme rigor, in so much as many gentlemen left between death and life in the duels, as I spake before, were hastened to hanging with their wounds bleeding. For the State found it had been neglected so long, as nothing could be thought cruelty which tended to the putting of it down. As for the second defect, pretended in our law, that it hath provided no remedy for lies and fillips, it may receive like answer. It would have been thought a madness amongst the ancient lawgivers to

have set a punishment upon the lie given, which in effect is but a word of denial, a negative of another's saying. Any lawgiver, if he had been asked the question, would have made Solon's answer: That he had not ordained any punishment for it, because he never imagined the world would have been so fantastical as to take it so highly. The civilians dispute whether an action of injury lie for it, and rather resolve the contrary. And Francis I. of France, who first set on and stamped this disgrace so deep, is taxed by the judgment of all wise writers for beginning the vanity of it; for it was he, that when he had himself given the lie and defy to the Emperor, to make it current in the world, said in a solemn assembly, "that he was no honest man that would bear the lie," which was the fountain of this new learning.

As for the words of approach and contumely, whereof the lie was esteemed none, it is not credible, but that the orations themselves are extant, what extreme and exquisite reproaches were tossed up and down in the Senate of Rome and the places of assembly, and the like in Græcia, and yet no man took himself fouled by them, but took them but for breath, and the style of an enemy, and either despised them or returned them, but no blood was spilt about them.

So of every touch or light blow of the person, they are not in themselves considerable, save that they have got them upon the stamp of a disgrace, which maketh these light things pass for great matters. The law of England and all laws hold these degrees of injury to the person, slander, battery, mayhem, death; and if there be extraordinary circumstances of despite and contumely, as in case of libels and bastinadoes and the like, this court taketh them in hand and punisheth them exemplarily. But for this apprehension of a disgrace that a fillip to the person should be a mortal wound to the reputation, it were good that men did hearken unto the saying of Gonsalvo, the great and famous commander, that was wont to say a gentleman's honor should be *de tela crassiore*, of a good strong warp or web, that every little thing should not catch in it; when as now it seems they are but of cobweb-lawn or such light stuff, which certainly is weakness, and not true greatness of mind, but like a sick man's body, that is so tender that it feels everything. And so much in maintenance and demonstration of the wisdom and justice of the law of the land.

For the capacity of this court, I take this to be a ground infallible, that wheresoever an offense is capital, or matter of felony, though it be not acted, there the combination or practice tending to the offense is punishable in this court as high misdemeanor. So practice to imprison, though it took no effect; waylaying to murder, though it took no effect; and the like; have been adjudged heinous misdemeanors punishable in this court. Nay, inceptions and preparations in inferior crimes, that are not capital, as suborning and preparing of witnesses that were never deposed, or deposed nothing material, have likewise been censured in this court, as appeareth by the decree in Garnon's case.

Why, then, the major proposition being such, the minor cannot be denied, for every appointment of the field is but combination and plotting of murder. Let them gild it how they list, they shall never have fairer terms of me in a place of justice. Then the conclusion followeth, that it is a case fit for the censure of the court. And of this there be precedents in the very point of challenge. It was the case of Wharton, plaintiff, against Ellekar and Acklam, defendants, where Acklam, being a follower of Ellekar's, was censured for carrying a challenge from Ellekar to Wharton, though the challenge was not put in writing, but delivered only by word of message; and there are words in the decree, that such challenges are to the subversion of government. These things are well known, and therefore I needed not so much to have insisted upon them, but that in this case I would be thought not to innovate anything of my own head, but to follow the former precedents of the court, though I mean to do it more thoroughly, because the time requires it more.

Therefore now to come to that which concerneth my part, I say that by the favor of the king and the court, I will prosecute in this court in the cases following: If any man shall appoint the field, though the fight be not acted or performed. If any man shall send any challenge in writing, or any message of challenge. If any man carry or deliver any writing or message of challenge. If any man shall accept to be second in a challenge of either side. If any man shall depart the realm, with intention and agreement to perform the fight beyond the seas. If any man shall revive a quarrel by any scandalous bruits or writings, contrary to former proclamation published by his Majesty in that behalf.

Nay, I hear there be some counsel learned of duels, that tell young men when they are beforehand, and when they are otherwise, and thereby incense and incite them to the duel, and make an art of it. I hope I shall meet with some of them too; and I am sure, my lords, this course of preventing duels, in nipping them in the bud, is fuller of clemency and providence than the suffering them to go on, and hanging men with their wounds bleeding, as they did in France.

To conclude, I have some petitions to make first to your lordship, my lord chancellor, that in case I be advertised of a purpose in any to go beyond the sea to fight, I may have granted his Majesty's writ of *ne exeat regnum* to stop him, for this giant bestrideth the sea, and I would take and snare him by the foot on this side; for the combination and plotting is on this side, though it should be acted beyond the sea. And your lordship said notably the last time I made a motion in this business, that a man may be as well *fur de se* as *felo de se*, if he steal out of the realm for a bad purpose. As for the satisfying of the words of the writ, no man will doubt but he does *machinari contra coronam*, as the words of the writ be, seeking to murder a subject; for that is ever *contra coronam et dignitatem*. I have also a suit to your lordships all in general, that for justice's sake, and for true honor's sake, honor of religion, law, and the King our master, against this fond and false disguise or puppetry of honor. I may, in my prosecution, which, it is like enough, may sometimes stir coals, which I esteem not for my particular, but as it may hinder the good service, I may, I say, be countenanced and assisted from your lordships. Lastly, I have a petition to the nobles and gentlemen of England, that they would learn to esteem themselves at a just price. *Non hos quæsitum munus in usus*—their blood is not to be spilt like water or a vile thing; therefore, that they would rest persuaded there cannot be a form of honor, except it be upon a worthy matter. But this, *ipsi viderunt*, I am resolved.

JAMES BARBOUR

(1775–1842)

SENATOR JAMES BARBOUR'S speech on the treaty-making power, made in the United States Senate in January 1816, is one of the ablest and most concise presentations of the Virginia view of the Federal constitution represented by Madison before he came under Jefferson's influence. The speech itself, here reproduced from Benton's 'Debates,' sufficiently explains all that is of permanent importance in the question presented to the Senate. If, under the Federal constitution, it was necessary after the ratification of a treaty to specially repeal laws in conflict with it, then such laws and "municipal regulations" as remained unrepealed by special act would be in force in spite of the treaty. Arguing against this as it affected the treaty-making power of the Senate from which the House of Representatives was excluded by the constitution, Senator Barbour declared the treaty-making power supreme over commerce, and incidentally asserted that unless there is such a supremacy lodged somewhere in the government, the condition would be as anomalous as that of Christendom when it had three Popes.

Mr. Barbour was born in 1775 and educated for the bar. He served in the Virginia legislature, was twice governor of the State, and twice elected to represent it in the United States Senate. He was Secretary of War in 1825 under John Quincy Adams, who sent him as minister to England—a post from which he was recalled by President Jackson. He presided over the national convention which nominated William Henry Harrison for the presidency, dying in 1842.

TREATIES AS SUPREME LAWS

MR. PRESIDENT, as it seems to be the wish of the Senate to pass upon this subject without debate, it adds to the reluctance I always feel when compelled, even by a sense of duty, to intrude on their attention. Yet, as I feel myself obliged, under the solemn responsibility attached to the station I hold here, to vote against the bill under consideration—as I

think, also, it is but a due respect to the other branch of the legislature, from whom it is my misfortune to differ, and but an act of justice to myself to state the grounds of my opinion, I must be pardoned for departing from the course which seemed to be desired by the Senate.

In the exercise of this privilege, with a view to promote the wishes of the Senate as far as a sense of duty will permit, I will confine myself to a succinct view of the most prominent objections which lie against its passage, rather than indulge in the extensive range of which the subject is susceptible. Before I enter into the discussion of the merits of the question, I beg leave to call the attention of the Senate to the course which was adopted by us in relation to this subject. A bill, brought in by the Committee on Foreign Relations, passed the Senate unanimously, declaring that all laws in opposition to the convention between the United States and Great Britain, concluded on the third of July last, should be held as null and void. The principle on which this body acted was, that the treaty, upon the exchange of its ratification, did, of itself, repeal any commercial regulation, incompatible with its provisions, existing in our municipal code; it being by us believed at the time that such a bill was not necessary, but by a declaratory act, it was supposed, all doubts and difficulties, should any exist, might be removed. This bill is sent to the House of Representatives, who, without acting thereon, send us the one under consideration, but differing materially from ours. Far from pretending an intimate knowledge of the course of business pursued by the two houses, I do not say that the mode adopted in this particular case is irregular, but if it has not the sanction of precedent, it appears to me to be wanting in that courtesy which should be perpetually cherished between the two houses. It would have been more decorous to have acted on our bill, to have agreed to it if it were approved, to reject or amend it. In the latter case, upon its being returned to the Senate, the views of the other body would have been contrasted with our own, and we might then have regularly passed upon the subject. A different course, however, has been adopted; and if a regard to etiquette had been the only obstacle to my support to the bill, it would have been readily given; for it is the substance, and not the shadow, which weighs with me. The difference between the two bills is rendered important by its involving a constitutional question.

It is my misfortune, for such I certainly esteem it, to differ from the other branch of the legislature on that question; were it a difference of opinion on the expediency of a measure, it might readily be obviated, as being entirely free, or at least I hope so, from pride of opinion. My disposition is to meet, by mutual concession, those with whom I am in the habit of acting; but when a principle of the constitution is involved, concession and compromise are out of the question. With one eye on the sacred charter of our liberties, and the other on the solemn sanction under which I act here, I surrender myself to the dictates of my best judgment (weak enough God knows), and fearlessly pursue the course pointed out by these guides. My regret is certainly greatly lessened by the reflection that there is no difference of opinion with any one on the propriety of executing the treaty with good faith — we differ only as to the manner in which our common purpose shall be effected.

The difference between the friends of the bill, and those opposed to it is, as I understand it, this: the former contend, that the law of Congress, discriminating between American and British tonnage, is not abrogated by the treaty, although its provisions conflict with the treaty, but that to effect its repeal, the bill in question, a mere echo of the treaty, must pass; the latter, among whom I wish to be considered, on the contrary say, that the law above alluded to was annulled upon the ratification of the treaty. I hope I have succeeded in stating the question fairly, for that certainly was my wish, and it is also my determination to discuss it in the same spirit.

This, then, is the issue which is made up between the friends and the opponents of the bill; and although in its practical effects I cannot believe it would be of consequence which way it is decided, yet, as the just interpretation of the constitution is the pivot on which it turns, from that consideration alone the question becomes an interesting one.

Fortunately for us we have a written constitution to recur to, dictated with the utmost precision of which our language is susceptible — it being the work of whatsoever of wisdom, of experience, and of foresight, united America possessed.

To a just understanding of this instrument, it will be essential to recur to the object of its adoption; in this there can be no difference of opinion. The old band of union had been literally dissolved in its own imbecility; to remedy this serious evil, an

increase of the powers of the general government was indispensable.

To draw the line of demarcation between the powers thus granted to the general government, and those retained by the States, was the primary and predominating object. In conformity with this view, we find a general enumeration of the powers assigned the former, of which Congress is made the depository; which powers, although granted to Congress in the first instance, are, in the same instrument, subsequently distributed among the other branches of the government. Various examples might be adduced in support of this position. The following for the present will suffice: Article i., § 1, of the constitution declares, that "all legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives." Yet we find, by the seventh section of the same article, the President invested with a large share of legislative power, and, in fact, constituting an integral branch of the legislature; in addition to this, I will here barely add, that the grant of the very power to regulate the exercise of which gave birth to this bill, furnishes, by the admission of the friends of the bill, another evidence of the truth of this position, as I shall show hereafter; and, therefore, to comprehend the true meaning of the constitution, an isolated view of a particular clause or section will involve you in error, while a comprehensive one, both of its spirit and letter, will conduct you to a just result; when apparent collisions will be removed, and vigor and effect will be given to every part of the instrument. With this principle as our guide, I come directly to that part of the constitution which recognizes the treaty-making power. In the second clause, second section, second article, are the following plain and emphatic words: "He [the President] shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur." Two considerations here irresistibly present themselves—first, there is no limitation to the exercise of the power, save such restrictions as arise from the constitution, as to the subjects on which it is to act; nor is there any participation of the power, with any other branch of the government, in any way alluded to.

Am I borne out in this declaration by the clause referred to? That I am, seems to me susceptible of demonstration. To the President and Senate has been imparted the power of making

treaties. Well, what is a treaty? If a word have a known signification by the common consent of mankind, and it be used without any qualification in a law, constitution, or otherwise, the fair inference is that the received import of such word is intended to be conveyed. If so, the extent of the power intended to be granted admits of no difficulty. It reaches to those acts of courtesy and kindness, which philanthropy has established in the intercourse of nations, as well as to treaties of commerce, of boundaries, and, in fine, to every international subject whatsoever. This exposition is supported by such unequivocal authority, that it is believed it will not be questioned. I, therefore, infer that it will be readily yielded, that in regard to the treaty, in aid of which this bill is exhibited, the treaty-making power has not exceeded its just limits. So far we have proceeded on sure ground; we now come to the pith of the question. Is the legislative sanction necessary to give it effect? I answer in the negative. Why? Because, by the second clause of the sixth article of the constitution, it is declared that all treaties made or which shall be made, under the authority of the United States, shall be the supreme law of the land. If this clause means anything, it is conclusive of the question.

If the treaty be a supreme law, then whatsoever municipal regulation comes within its provisions must *ipso facto* be annulled — unless gentlemen contend there can be at the same time two supreme laws, emanating from the same authority, conflicting with each other, and still both in full vigor and effect. This would indeed produce a state of things without a parallel in human affairs, unless indeed its like might be found in the history of the Popes. In one instance, we are told, there were three at one time roaming over the Christian world, all claiming infallibility, and denouncing their anathemas against all who failed to yield implicit obedience to their respective mandates, when to comply with the one was to disobey the other. A result like this, so monstrous in its aspect, excludes the interpretation which produces it. It is a safe course in attempting to ascertain the meaning of a law or constitution to connect different clauses (no matter how detached) upon the same subject together. Let us do it in this case. The President shall have power, by and with the advice and consent of the Senate, to make treaties, which treaties shall be the supreme law of the land. I seek to gain no surreptitious advantage from the word

supreme, because I frankly admit that it is used in the constitution, in relation to the laws and constitutions of the States; but I appeal to it merely to ascertain the high authority intended to be imparted by the framers of the constitution to a ratified treaty. It is classed in point of dignity with the laws of the United States. We ask for no superiority, but equality; and as the last law made annuls a former one, where they conflict, so we contend that a subsequent treaty, as in the present case, revokes a former law in opposition thereto. But the other side contend that it is inferior to the law in point of authority, which continues in full force despite of a treaty, and to its repeal the assent of the whole legislature is necessary. Our claims rest on the expressed words of the constitution — the opposite on implication; and if the latter be just, I cannot forbear to say that the framers of the constitution would but ill deserve what I have heretofore thought a just tribute to their meritorious services. If they really designed to produce the effect contended for, instead of so declaring by a positive provision, they have used a language which, to my mind, operates conclusively against it. Under what clause of the constitution is the right to exercise this power set up? The reply is, the third clause of eighth section, first article — Congress shall have power to regulate commerce with foreign nations, etc. I immediately inquire to what extent does the authority of Congress, in relation to commercial treaties, reach? Is the aid of the legislature necessary in all cases whatsoever, to give effect to a commercial treaty? It is readily admitted that it is not. That a treaty, whose influence is extra territorial, becomes obligatory the instant of its ratification. That, as the aid of the legislature is not necessary to its execution, the legislature has no right to interpose. It is then admitted that while a general power on the subject of commerce is given to Congress, that yet important commercial regulations may be adopted by treaty, without the co-operation of the legislature, notwithstanding the generality of the grant of power on commercial subjects to Congress. If it be true that the President and Senate have, in their treaty-making power, an exclusive control over part and not over the whole, I demand to know at what point that exclusive control ceases? In the clause relied upon, there is no limitation. The fact is, sir, none exists. The treaty-making power over commerce is supreme. No legislative sanction is necessary, if the treaty be capable of self-execution,

and when a legislative sanction is necessary, as I shall more at large hereafter show, such sanction, when given, adds nothing to the validity of the treaty, but enables the proper authority to execute it; and when the legislature do act in this regard, it is under such obligation as the necessity of fulfilling a moral contract imposes.

If it be inquired of me what I understand by the clause in question, in answer I refer to the principle with which I set out; that this was a grant of power to the general government of which Congress was in the first instance merely the depository, which power, had not a portion thereof been transferred to another branch of the government, would have been exclusively exercised by Congress, but that a distribution of this power has been made by the constitution; as a portion thereof has been given to the treaty-making power, and that which is not transferred is left in the possession of Congress. Hence, to Congress it is competent to act in this grant in its proper character by establishing municipal regulations. The President and the Senate, on the other hand, have the same power within their sphere, that is, by a treaty or convention with a foreign nation, to establish such regulations in regard to commerce, as to them may seem friendly to the public interest. Thus each department moves in its own proper orbit, nor do they come in collision with each other. If they have exercised their respective powers on the same subject, the last act, whether by the legislature or the treaty-making power, abrogates a former one. The legislature of the nation may, if a cause exist in their judgment sufficient to justify it, abrogate a treaty, as has been done; so the President and Senate by a treaty may abrogate a pre-existing law containing interfering provisions, as has been done heretofore (without the right being questioned), and as we say in the very case under consideration. I will endeavor to make myself understood by examples; Congress has power, under the clause in question, to lay embargoes, to pass nonintercourse, or nonimportation, or countervailing laws, and this power they have frequently exercised. On the other hand, if the nation against whom one of those laws is intended to operate is made sensible of her injustice and tenders reparation, the President and Senate have power by treaty to restore the amicable relations between the two nations, and the law directing otherwise, upon the ratification of the treaty, is forthwith annulled. Again, if Congress should be of

opinion that the offending nation had not complied with their engagements, they might by law revoke the treaty, and place the relation between the two nations upon such footing as they approved. Where is the collision here? I see none. This view of the subject presents an aspect as innocent as that which is produced when a subsequent law repeals a former one. By this interpretation you reconcile one part of the constitution with another, giving to each a proper effect, a result always desirable, and in rules of construction claiming a precedence to all others. Indeed, sir, I do not see how the power in question could have been otherwise arranged. The power which has been assigned to Congress was indispensable; without it we should have been at the mercy of a foreign government, who, knowing the incompetency of Congress to act, would have subjected our commerce to the most injurious regulations, as was actually the case before the adoption of the constitution, when it was managed by the States, by whom no regular system could be established; indeed, we all know this very subject was among the most prominent of the causes which produced the constitution. Had this state of things continued, no nation which could profit by a contrary course would have treated. On the other hand, had not a power been given to some branch of the government to treat, whatever might have been the friendly dispositions of other powers, or however desirous to reciprocate beneficial arrangements, they could not, without a treaty-making power lodged somewhere, be realized.

I therefore contend, that although to Congress a power is given in the clause alluded to, to regulate commerce, yet this power is in part, as I have before endeavored to show, given to the President and Senate in their treaty-making capacity—the truth of which position is admitted by the friends of the bill to a certain extent. The fact is, that the only difference between us is to ascertain the precise point where legislative aid is necessary to the execution of the treaty, and where not. To fix this point is to settle the question. After the most mature reflection which I have been able to give this subject, my mind has been brought to the following results: Whenever the President and Senate, within the acknowledged range of their treaty-making power, ratify a treaty upon extraterritorial subjects, then it is binding without any auxiliary law. Again, if from the nature of the treaty it is self-executory, no legislative aid is necessary. If, on

the contrary, the treaty from its nature cannot be carried into effect but by the agency of the legislature, that is, if some municipal regulation be necessary, then the legislature must act not as participating in the treaty-making power, but in its proper character as a legislative body.

BARNAVE

(1761–1793)

ANTOINE PIERRE JOSEPH MARIE BARNAVE was born at Grenoble, France, in 1761. He was the son of an advocate, who gave him a careful education. His first work of a public character, a pamphlet against the Feudal system, led to his election to the States-General in 1789. He advocated the Proclamation of the Rights of Man and identified himself with those enthusiastic young Republicans of whom Lafayette is the best type. The emancipation of the Jews from all civil and religious disabilities and the abolition of slavery throughout French territory owed much to his efforts. He also opposed the Absolute Veto and led the fight for the sequestration of the property of the Church. This course made him a popular idol and in the early days of the Revolution he was the leader of the extreme wing of the Republicans. When he saw, however, that mob law was about to usurp the place of the Republican institutions for which he had striven, he leaned towards the court and advocated the sacrosanctity of the King's person. Denounced as a renegade, with his life threatened and his influence lost, he retired to his native province. In August 1792 he was impeached for correspondence with the King, and on November 26th, 1793, he was guillotined. The specimens of his eloquence here given were translated for this Library from the Paris edition of his works, published in 1843.

REPRESENTATIVE DEMOCRACY AGAINST MAJORITY ABSOLUTISM

(Delivered in the National Assembly, August 11th, 1791)

IT IS not enough to desire to be free—one must know how to be free. I shall speak briefly on this subject, for after the success of our deliberations, I await with confidence the spirit and action of this Assembly. I only wish to announce my opinions on a question, the rejection of which would sooner or later mean the loss of our liberties. This question leaves no doubt in the minds of those who reflect on governments and are guided

by impartial judgments. Those who have combatted the committee have made a fundamental error. They have confounded democratic government with representative government; they have confounded the rights of the people with the qualifications of an elector, which society dispenses for its well understood interest. Where the government is representative, where there exists an intermediary degree of electors, society which elects them has essentially the right to determine the conditions of their eligibility. There is one right existing in our constitution, that of the active citizen, but the function of an elector is not a right. I repeat, society has the right to determine its conditions. Those who misunderstand the nature as they do the advantages of representative government, remind us of the governments of Athens and Sparta, ignoring the differences that distinguish them from France, such as extent of territory, population, etc. Do they forget that they interdicted representative government? Have they forgotten that the Lacedemonians had the right to vote in the assemblies only when they held helots? And only by sacrifice of individual rights did the Lacedemonians, Athenians, and Romans possess any democratic governments! I ask those who remind us of them, if it is at such government they would arrive? I ask those who profess here metaphysical ideas, because they have no practical ideas, those who envelop the question in clouds of theory, because they ignore entirely the fundamental facts of a positive government—I ask is it forgotten that the democracy of a portion of a people would exist but by the entire enslavement of the other portion of the people? A representative government has but one evil to fear, that of corruption. That such a government shall be good, there must be guaranteed the purity and incorruptibility of the electorate. This body needs the union of three eminent guarantees. First, the light of a fair education and broadened views. Second, an interest in things, and still better if each had a particular and considerable interest at stake to defend. Third, such condition of fortune as to place the elector above attack from corruption.

These advantages I do not look for in the superior class of the rich, for they undoubtedly have too many special and individual interests, which they separate from the general interests. But if it is true that we must not look for the qualifications of the pure elector among the eminently rich, neither should I look for it among those whose lack of fortune has prevented their

enlightenment; among such, unceasingly feeling the touches of want, corruption too easily can find its means. It is, then, in the middle class that we find the qualities and advantages I have cited. And, I ask, is it the demand that they contribute five to ten francs that causes the assertion that we would throw elections into the hands of the rich? You have established the usage that the electors receive nothing; if it were otherwise their great number would make an election most expensive. From the instant that the voter has not means enough to enable him to sacrifice a little time from his daily labor, one of three things would occur. The voter would absent himself, or insist on being paid by the State, else he would be rewarded by the one who wanted to obtain his suffrage. This does not occur when a comfortable condition is necessary to constitute an elector. As soon as the government is established, when the constitution is guaranteed, there is but a common interest for those who live on their property, and those who toil honestly. Then can be distinguished those who desire a stable government and those who seek but revolution and change, since they increase in importance in the midst of trouble as vermin in the midst of corruption.

If it is true, then, that under an established constitutional government all its well-wishers have the same interest, the power of the same must be placed in the hands of the enlightened who can have no interest pressing on them, greater than the common interest of all the citizens. Depart from these principles and you fall into the abuses of representative government. You would have extreme poverty in the electorate and extreme opulence in the legislature. You would see soon in France what you see now in England, the purchase of voters in the boroughs not with money even, but with pots of beer. Thus incontestably are elected many of their parliamentary members. Good representation must not be sought in either extreme, but in the middle class. The committee have thus placed it by making it incumbent that the voter shall possess an accumulation the equivalent of, say forty days of labor. This would unite the qualities needed to make the elector exercise his privilege with an interest in the same. It is necessary that he own from one hundred and twenty to two hundred and forty livres, either in property or chattels. I do not think it can seriously be said that this qualification is fixed too high, unless we would introduce among our electors men who would beg or seek improper recompense.

If you would have liberty subsist do not hesitate because of specious arguments which will be presented to you by those who, if they reflect, will recognize the purity of our intentions and the resultant advantages of our plans. I add to what I have already said that the system will diminish many existing inconveniences, and the proposed law will not have its full effect for two years. They tell us we are taking from the citizen a right which elevated him by the only means through which he can acquire it. I reply that if it was an honor the career which you will open for them will imprint them with character greater and more in conformity with true equality. Our opponents have not failed either to magnify the inconveniences of changing the constitution. Nor do I desire its change. For that reason we should not introduce imprudent discussions to create the necessity of a national convention. In one word, the advice and conclusions of the committee are the sole guarantees for the prosperity and peaceable condition of the nation.

COMMERCIAL POLITICS

COMMERCE forms a numerous class, friends of external peace and internal tranquillity, who attach themselves to the established government.

It creates great fortunes, which in republics become the origin of the most forceful aristocracies. As a rule commerce enriches the cities and their inhabitants, and increases the laboring and mechanical classes, in opening more opportunities for the acquirement of riches. To an extent it fortifies the democratic element in giving the people of the cities greater influence in the government. It arrives at nearly the same result by impoverishing the peasant and land owner, by the many new pleasures offered him and by displaying to him the ostentation and voluptuousness of luxury and ease. It tends to create bands of mercenaries rather than those capable of worthy personal service. It introduces into the nation luxury, ease, and avarice at the same time as labor.

The manners and morals of a commercial people are not the manners of the merchant. He individually is economical, while the general mass are prodigal. The individual merchant is conservative and moral, while the general public are rendered dissolute.

The mixture of riches and pleasures which commerce produces, joined to freedom of manners, leads to excesses of all kinds, at the same time that the nation may display the perfection of elegance and taste that one noticed in Rome, mistress of the world, or in France before the Revolution. In Rome the wealth was the inflow of the whole world, the product of the hardiest ambition, producing the deterioration of the soldier and the indifference of the patrician. In France the wealth was the accumulation of an immense commerce and the varied labors of the most industrious nation on the earth diverted by a brilliant and corrupt court, a profligate and chivalrous nobility, and a rich and voluptuous capital.

Where a nation is exclusively commercial, it can make an immense accumulation of riches without sensibly altering its manners. The passion of the trader is avarice and the habit of continuous labor. Left alone to his instincts he amasses riches to possess them, without designing or knowing how to use them. Examples are needed to conduct him to prodigality, ostentation, and moral corruption. As a rule the merchant opposes the soldier. One desires the accumulations of industry, the other of conquest. One makes of power the means of getting riches, the other makes of riches the means of getting power. One is disposed to be economical, a taste due to his labor. The other is prodigal, the instinct of his valor. In modern monarchies these two classes form the aristocracy and the democracy. Commerce in certain republics forms an aristocracy, or rather an «extra aristocracy in the democracy.» These are the directing forces of such democracies, with the addition of two other governing powers, which have come in, the clergy and the legal fraternity, who assist largely in shaping the course of events.

ISAAC BARROW

(1630–1677)

IT is not often that a sermon, however eloquent it may be, becomes a literary classic, as has happened to those preached by Barrow against Evil Speaking. Literature — that which is expressed in letters — has its own method, foreign to that of oratory — the art of forcing one mind on another by word of mouth. Literature can rely on suggestion, since it leaves those who do not comprehend at once free to read over again what has attracted their attention without compelling their understanding. All great literature relies mostly on suggestion. This is the secret of Shakespeare's strength in 'Hamlet,' as it is the purpose of Burke's in such speeches as that at the trial of Hastings, to compel immediate comprehension by crowding his meaning on the hearer in phalanxed sentences, moving to the attack, rank on rank, so that the first are at once supported and compelled by those which succeed them.

It is not easy to find the secret by virtue of which sermons that made Barrow his reputation for eloquence escaped the fate of most eloquent sermons so far as to find a place in the standard «Libraries of English Classics,» but it lies probably in their compactness, clearness, and simplicity. Barrow taught Sir Isaac Newton mathematics, and his style suggests the method of thought which Newton illustrated in such great results.

Born in London in 1630, Barrow was educated at the Charterhouse School, at Felstead, and at Cambridge. Belonging to a Royalist family, under Cromwell, he left England after his graduation and traveled abroad, studying the Greek fathers in Constantinople. After the Restoration he became Lucasian professor of mathematics at Cambridge and chaplain to Charles II., who called him the best scholar in England. Celebrated for the length of his sermons, Barrow had nevertheless a readiness at sharp repartee which made him formidable on occasion. «I am yours, Doctor, to the knee-strings,» said the Earl of Rochester, meeting him at court and seeking amusement at his expense. «I am yours, my lord, to the shoe-tie,» answered the Doctor, bowing still lower than the Earl had done. «Yours, Doctor, to the ground,» said Rochester. «Yours, my lord, to the centre of the earth,» answered Barrow with another bow. «Yours, Doctor, to the lowest pit of hell,» said Rochester, as he imagined, in conclusion. «There, my lord, I must leave you!» was the immediate answer.

SLANDER

GENERAL declamations against vice and sin are indeed excellently useful, as rousing men to consider and look about them; but they do often want effect, because they only raise confused apprehensions of things, and indeterminate propensions to action, which usually, before men thoroughly perceive or resolve what they should practice, do decay and vanish. As he that cries out "Fire!" doth stir up people, and inspireth them with a kind of hovering tendency every way, yet no man thence to purpose moveth until he be distinctly informed where the mischief is; then do they, who apprehend themselves concerned, run hastily to oppose it: so, till we particularly discern where our offenses lie (till we distinctly know the heinous nature and the mischievous consequences of them), we scarce will effectually apply ourselves to correct them. Whence it is requisite that men should be particularly acquainted with their sins, and by proper arguments be dissuaded from them.

In order whereto I have now selected one sin to describe, and dissuade from, being in nature as vile, and in practice as common, as any other whatever that hath prevailed among men. It is slander, a sin which in all times and places hath been epidemical and rife, but which especially doth seem to reign and rage in our age and country.

There are principles innate to men, which ever have, and ever will, incline them to this offense. Eager appetites to secular and sensual goods; violent passions, urging the prosecution of what men affect; wrath and displeasure against those who stand in the way of compassing their desires; emulation and envy towards those who happen to succeed better, or to attain a greater share in such things; excessive self-love; unaccountable malignity and vanity are in some degrees connatural to all men, and ever prompt them to this dealing, as appearing the most efficacious, compendious, and easy way of satisfying such appetites, of promoting such designs, of discharging such passions. Slander thence hath always been a principal engine whereby covetous, ambitious, envious, ill-natured, and vain persons have striven to supplant their competitors and advance themselves; meaning thereby to procure, what they chiefly prize and like, wealth, or dignity, or reputation, favor and power in the court, respect and interest with the people.

But from especial causes our age peculiarly doth abound in this practice; for, besides the common dispositions inclining thereto, there are conceits newly coined, and greedily entertained by many, which seem purposely leveled at the disparagement of piety, charity, and justice, substituting interest in the room of conscience, authorizing and commending for good and wise, all ways serving to private advantage. There are implacable dissensions, fierce animosities, and bitter zeals sprung up; there is an extreme curiosity, niceness, and delicacy of judgment; there is a mighty affectation of seeming wise and witty by any means; there is a great unsettlement of mind, and corruption of manners, generally diffused over people; from which sources it is no wonder that this flood hath so overflown, that no banks can restrain it, no fences are able to resist it; so that ordinary conversation is full of it, and no demeanor can be secure from it.

If we do mark what is done in many (might I not say, in most?) companies, what is it but one telling malicious stories of, or fastening odious characters upon, another? What do men commonly please themselves in so much as in carping and harshly censuring, in defaming and abusing their neighbors? Is it not the sport and divertisement of many to cast dirt in the faces of all they meet with? to bespatter any man with foul imputations? Doth not in every corner a Momus lurk, from the venom of whose spiteful or petulant tongue no eminency of rank, dignity of place, or sacredness of office, no innocence or integrity of life, no wisdom or circumspection in behavior, no good-nature or benignity in dealing and carriage, can protect any person? Do not men assume to themselves a liberty of telling romances, and framing characters concerning their neighbors, as freely as a poet doth about Hector or Turnus, Thersites or Draucus? Do they not usurp a power of playing with, or tossing about, of tearing in pieces their neighbor's good name, as if it were the veriest toy in the world? Do not many having a form of godliness (some of them demurely, others confidently, both without any sense of, or remorse for, what they do) backbite their brethren? Is it not grown so common a thing to asperse causelessly that no man wonders at it, that few dislike, that scarce any detest it? that most notorious calumniators are heard, not only with patience, but with pleasure; yea, are even held in vogue and reverence as men of a notable talent, and very serviceable to their party? so that slander seemeth to have lost its nature and not to

be now an odious sin, but a fashionable humor, a way of pleasing entertainment, a fine knack, or curious feat of policy; so that no man at least taketh himself or others to be accountable for what is said in this way? Is not, in fine, the case become such, that whoever hath in him any love of truth, any sense of justice or honesty, any spark of charity towards his brethren, shall hardly be able to satisfy himself in the conversations he meeteth; but will be tempted, with the holy prophet, to wish himself sequestered from society, and cast into solitude; repeating those words of his, "Oh, that I had in the wilderness a lodging-place of wayfaring men, that I might leave my people, and go from them: for they are . . . an assembly of treacherous men, and they bend their tongues like their bow for lies"? This he wished in an age so resembling ours, that I fear the description with equal patness may suit both: "Take ye heed" (said he then, and may we not advise the like now?) "every one of his neighbor, and trust ye not in any brother: for every brother will utterly supplant, and every neighbor will walk with slanders. They will deceive every one his neighbor, and will not speak the truth; they have taught their tongue to speak lies, and weary themselves to commit iniquity."

Such being the state of things, obvious to experience, no discourse may seem more needful, or more useful, than that which serveth to correct or check this practice: which I shall endeavor to do (1) by describing the nature, (2) by declaring the folly of it: or showing it to be very true which the wise man here asserteth, "He that uttereth slander is a fool." Which particulars I hope so to prosecute, that any man shall be able easily to discern, and ready heartily to detest this practice.

1. For explication of its nature, we may describe slander to be the uttering false (or equivalent to false, morally false) speech against our neighbor, in prejudice to his fame, his safety, his welfare, or concernment in any kind, out of malignity, vanity, rashness, ill-nature, or bad design. That which is in Holy Scripture forbidden and reproved under several names and notions: of bearing false witness, false accusation, railing censure, sycophantry, talebearing, whispering, backbiting, supplanting, taking up reproach: which terms some of them do signify the nature, others denote the special kinds, others imply the manners, others suggest the ends of this practice. But it seemeth most fully intelligible by observing the several kinds and degrees thereof;

as also by reflecting on the divers ways and manners of practicing it.

The principal kinds thereof I observe to be these:—

1. The grossest kind of slander is that which in the Decalogue is called, bearing false testimony against our neighbor; that is, flatly charging him with acts which he never committed, and is nowise guilty of. As in the case of Naboth, when men were suborned to say, "Naboth did blaspheme God and the king," and as was David's case, when he thus complained, "False witnesses did rise up, they laid to my charge things that I knew not of." This kind in the highest way (that is, in judicial proceedings) is more rare; and of all men, they who are detected to practice it are held most vile and infamous, as being plainly the most pernicious and perilous instruments of injustice, the most desperate enemies of all men's right and safety that can be. But also out of the court there are many knights-errant of the poet, whose business it is to run about scattering false reports; sometimes loudly proclaiming them in open companies, sometimes closely whispering them in dark corners; thus infecting conversation with their poisonous breath: these no less notoriously are guilty of this kind, as bearing always the same malice and sometimes breeding as ill effects.

2. Another kind is, affixing scandalous names, injurious epithets, and odious characters upon persons, which they deserve not. As when Corah and his accomplices did accuse Moses of being ambitious, unjust, and tyrannical; when the Pharisees called our Lord an impostor, a blasphemer, a sorcerer, a glutton and wine-bibber, an incendiary and perverter of the people, one that spake against Cæsar, and forbade to give tribute; when the Apostles were charged with being pestilent, turbulent, factious, and seditious fellows. This sort being very common, and thence in ordinary repute not so bad, yet in just estimation may be judged even worse than the former, as doing to our neighbor more heavy and more irreparable wrong. For it imposeth on him really more blame, and that such which he can hardly shake off; because the charge signifies habits of evil, and includeth many acts; then, being general and indefinite, can scarce be disproved. He, for instance, that calleth a sober man drunkard doth impute to him many acts of such intemperance (some really past, others probably future), and no particular time or place being specified, how can a man clear himself of that imputation,

especially with those who are not thoroughly acquainted with his conversation? So he that calleth a man unjust, proud, perverse, hypocritical, doth load him with most grievous faults, which it is not possible that the most innocent person should discharge himself from.

3. Like to that kind is this: aspersing a man's actions with harsh censures and foul terms, importing that they proceed from ill principles, or tend to bad ends; so as it doth not or cannot appear. Thus, when we say of him that is generously hospitable, that he is profuse; of him that is prudently frugal, that he is niggardly; of him that is cheerful and free in his conversation, that he is vain or loose; of him that is serious and resolute in a good way, that he is sullen or morose; of him that is conspicuous and brisk in virtuous practice, that it is ambition or ostentation which prompts him; of him that is close and bashful in the like good way, that it is sneaking stupidity, or want of spirit; of him that is reserved, that it is craft; of him that is open, that it is simplicity in him; when we ascribe a man's liberality and charity to vainglory or popularity; his strictness of life, and constancy in devotion, to superstition, or hypocrisy. When, I say, we pass such censures, or impose such characters on the laudable or innocent practice of our neighbors, we are indeed slanderers, imitating therein the great calumniator, who thus did slander even God himself, imputing his prohibition of the fruit unto envy towards men; "God," said he, "doth know that in the day ye eat thereof, your eyes shall be opened, and ye shall be as gods, knowing good and evil;" who thus did ascribe the steady piety of Job, not to a conscientious love and fear of God, but to policy and selfish design: "Doth Job fear God for naught?"

Whoever, indeed, pronounceth concerning his neighbor's intentions otherwise than as they are evidently expressed by words, or signified by overt actions, is a slanderer; because he pretendeth to know, and dareth to aver, that which he nowise possibly can tell whether it be true; because the heart is exempt from all jurisdiction here, is only subject to the government and trial of another world; because no man can judge concerning the truth of such accusations, because no man can exempt or defend himself from them: so that apparently such practice doth thwart all course of justice and equity.

4. Another kind is, perverting a man's words or actions disadvantageously by affected misconstruction. All words are

ambiguous, and capable of different senses, some fair, some more foul; all actions have two handles, one that candor and charity will, another that disingenuity and spite may lay hold on; and in such cases to misapprehend is a calumnious procedure, arguing malignant disposition and mischievous design. Thus, when two men did witness that our Lord affirmed, he «could demolish the Temple, and rear it again in three days»—although he did, indeed, speak words to that purpose, meaning them in a figurative sense, discernible enough to those who would candidly have minded his drift and way of speaking—yet they who crudely alleged them against him are called false witnesses. «At last,» saith the Gospel, «came two false witnesses, and said, This fellow said, I am able to destroy the temple,» etc. Thus, also, when some certified of St. Stephen, as having said that «Jesus of Nazareth should destroy that place, and change the customs that Moses delivered»; although probably he did speak words near to that purpose, yet are those men called false witnesses. «And,» saith St. Luke, «they set up false witnesses, which said, This man ceaseth not to speak blasphemous words,» etc. Which instances do plainly show, if we would avoid the guilt of slander, how careful we should be to interpret fairly and favorably the words and actions of our neighbor.

5. Another sort of this practice is, partial and lame representation of men's discourse, or their practice, suppressing some part of the truth in them, or concealing some circumstances about them which might serve to explain, to excuse, or to extenuate them. In such a manner easily, without uttering any logical untruth, one may yet grievously calumniate. Thus, suppose a man speaketh a thing upon supposition, or with exception, or in way of objection, or merely for disputation's sake, in order to the discussion or clearing of truth; he that should report him asserting it absolutely, unlimitedly, positively, and peremptorily, as his own settled judgment, would notoriously calumniate. If one should be inveigled by fraud, or driven by violence, or slip by chance into a bad place or bad company, he that should so represent the gross of that accident, as to breed an opinion of that person, that out of pure disposition and design he did put himself there, doth slanderously abuse that innocent person. The reporter in such cases must not think to defend himself by pretending that he spake nothing false; for such propositions, however true in logic, may justly be deemed lies in morality, being

uttered with a malicious and deceitful (that is, with a calumnious) mind, being apt to impress false conceits and to produce hurtful effects concerning our neighbor. There are slanderous truths as well as slanderous falsehoods; when truth is uttered with a deceitful heart, and to a base end, it becomes a lie. "He that speaketh truth," saith the wise man, "showeth forth righteousness, but a false witness deceit." Deceiving is the proper work of slander; and truth abused to that end putteth on its nature, and will engage into like guilt.

6. Another kind of calumny is, by instilling sly suggestions, which although they do not downrightly assert falsehoods, yet they breed sinister opinions in the hearers, especially in those who, from weakness or credulity, from jealousy or prejudice, from negligence or inadvertency, are prone to entertain them. This is done in many ways: by propounding wily suppositions, shrewd insinuations, crafty questions, and specious comparisons, intimating a possibility, or inferring some likelihood of, and thence inducing to believe the fact. "Doth not," saith this kind of slanderer, "his temper incline him to do thus? may not his interest have swayed him thereto? had he not fair opportunity and strong temptation to it? hath he not acted so in like cases? Judge you, therefore, whether he did it not." Thus the close slanderer argueth; and a weak or prejudiced person is thereby so caught, that he presently is ready thence to conclude the thing done. Again: "He doeth well," saith the sycophant, "it is true; but why, and to what end? Is it not, as most men do, out of ill design? may he not dissemble now? may he not recoil hereafter? have not others made as fair a show? yet we know what came of it." Thus do calumnious tongues pervert the judgments of men to think ill of the most innocent, and meanly of the worthiest actions. Even commendation itself is often used calumniously, with intent to breed dislike and ill-will towards a person commended in envious or jealous ears; or so as to give passage to dispraises, and render the accusations following more credible. 'Tis an artifice commonly observed to be much in use there, where the finest tricks of supplanting are practiced, with greatest effect; so that *pessimum inimicorum genus, laudantes;* there is no more pestilent enemy than a malevolent praiser. All these kinds of dealing, as they issue from the principles of slander, and perform its work, so they deservedly bear the guilt thereof.

7. A like kind is that of oblique and covert reflections; when a man doth not directly or expressly charge his neighbor with faults, but yet so speaketh that he is understood, or reasonably presumed to do it. This is a very cunning and very mischievous way of slandering; for therein the skulking calumniator keepeth a reserve for himself, and cutteth off from the person concerned the means of defense. If he goeth to clear himself from the matter of such aspersions: "What need," saith this insidious speaker, "of that? must I needs mean you? did I name you? why do you then assume it to yourself? do you not prejudge yourself guilty? I did not, but your own conscience, it seemeth, doth accuse you. You are so jealous and suspicious, as persons overwise or guilty use to be." So meaneth this serpent out of the hedge securely and unavoidably to bite his neighbor, and is in that respect more base and more hurtful than the most flat and positive slanderer.

8. Another kind is that of magnifying and aggravating the faults of others; raising any small miscarriage into a heinous crime, any slender defect into an odious vice, and any common infirmity into a strange enormity; turning a small "mote in the eye" of our neighbor into a huge "beam," a little dimple in his face into a monstrous wen. This is plainly slander, at least in degree, and according to the surplusage whereby the censure doth exceed the fault. As he that, upon the score of a small debt, doth extort a great sum, is no less a thief, in regard to what amounts beyond his due, than if without any pretense he had violently or fraudulently seized on it, so he is a slanderer that, by heightening faults or imperfections, doth charge his neighbor with greater blame, or load him with more disgrace than he deserves. 'Tis not only slander to pick a hole where there is none, but to make that wider which is, so that it appeareth more ugly, and cannot so easily be mended. For charity is wont to extenuate faults, justice doth never exaggerate them. As no man is exempt from some defects, or can live free from some misdemeanors, so by this practice every man may be rendered very odious and infamous.

9. Another kind of slander is, imputing to our neighbor's practice, judgment, or profession, evil consequences (apt to render him odious, or despicable) which have no dependence on them, or connection with them. There do in every age occur disorders and mishaps, springing from various complications of causes,

working some of them in a more open and discernible, others in a more secret and subtle way (especially from Divine judgment and providence checking or chastising sin); from such occurrences it is common to snatch occasion and matter of calumny. Those who are disposed this way are ready peremptorily to charge them upon whomsoever they dislike or dissent from, although without any apparent cause, or upon most frivolous and senseless pretenses; yea, often when reason showeth quite the contrary, and they who are so charged are in just esteem of all men the least obnoxious to such accusations. So, usually, the best friends of mankind, those who most heartily wish the peace and prosperity of the world and most earnestly to their power strive to promote them, have all the disturbances and disasters happening charged on them by those fiery vixens, who (in pursuance of their base designs, or gratification of their wild passions) really do themselves embroil things, and raise miserable combustions in the world. So it is that they who have the conscience to do mischief will have the confidence also to disavow the blame and the iniquity, to lay the burden of it on those who are most innocent. Thus, whereas nothing more disposeth men to live orderly and peaceably, nothing more conduceth to the settlement and safety of the public, nothing so much draweth blessings down from heaven upon the commonwealth, as true religion, yet nothing hath been more ordinary than to attribute all the miscarriages and mischiefs that happened unto it; even those are laid at his door, which plainly do arise from the contempt or neglect of it, being the natural fruits or the just punishments of irreligion. King Ahab, by forsaking God's commandments and following wicked superstitions, had troubled Israel, drawing sore judgments and calamities thereon; yet had he the heart and the face to charge those events on the great assertor of piety, Elias: "Art thou he that troubleth Israel?" The Jews by provocation of Divine justice had set themselves in a fair way towards desolation and ruin; this event to come they had the presumption to lay upon the faith of our Lord's doctrine. "If," said they, "we let him alone, all men will believe on him, and the Romans shall come, and take away our place and nation," whereas, in truth, a compliance with his directions and admonitions had been the only means to prevent those presaged mischiefs. And, *si Tibris ascenderit in mœnia*, if any public calamity did appear, then *Christianos ad leones*, Christians

must be charged and persecuted as the causes thereof. To them it was that Julian and other pagans did impute all the discussions, confusions, and devastations falling upon the Roman Empire. The sacking of Rome by the Goths they cast upon Christianity; for the vindication of it from which reproach St. Augustine did write those renowned books 'De Civitate Dei.' So liable are the best and most innocent sort of men to be calumniously accused in this manner.

Another practice (worthily bearing the guilt of slander) is, aiding and being accessory thereto, by anywise furthering, cherishing, abetting it. He that by crafty significations of ill-will doth prompt the slanderer to vent his poison; he that by a willing audience and attention doth readily suck it up, or who greedily swalloweth it down by credulous approbation and assent; he that pleasingly relisheth and smacketh at it, or expresseth a delightful complacence therein: as he is a partner in the fact, so he is a sharer in the guilt. There are not only slanderous throats, but slanderous ears also; not only wicked inventions, which engender and brood lies, but wicked assents, which hatch and foster them. Not only the spiteful mother that conceiveth such spurious brats, but the midwife that helpeth to bring them forth, the nurse that feedeth them, the guardian that traineth them up to maturity, and setteth them forth to live in the world; as they do really contribute to their subsistence, so deservedly they partake in the blame due to them, and must be responsible for the mischief they do.

BASIL THE GREAT

(329–379)

BASIL THE GREAT, born at Cæsarea in Cappadocia A. D. 329, was one of the leading orators of the Christian Church in the fourth century. He was a friend of the famous Gregory of Nazianzus, and Gregory of Nyssa was his brother.

The spirit of his time was one of change. The foundations of the Roman world were undermined. The old classical civilization of beauty and order had reached its climax and reacted on itself; the Greek worship of the graceful; the Roman love of the regular, the strong, the martial, the magnificent, had failed to save the world from a degradation which, under the degeneracy of the later Cæsars, had become indescribable. The early Christians, filled with a profound conviction of the infernal origin of the corruption of the decaying civilization they saw around them, were moved by such a compelling desire to escape it as later times can never realize and hardly imagine. Moved by this spirit, the earnest young men of the time, educated as Basil was in the philosophy, the poetry, and the science of the classical times, still felt that having this they would lose everything unless they could escape the influences of the world around them. They did not clearly discriminate between what was within and without themselves. It was not clear to them whether the corruption of an effete civilization was not the necessary corruption of all human nature including their own. This doubt sent men like Basil to the desert to attempt, by fasting and scourging, to get such mastery over their bodies as to compel every rebellious nerve and stubborn muscle to yield instant obedience to their aspirations after a more than human perfection. If they never attained their ideal; if we find them coming out of the desert, as they sometimes did, to engage in controversies, often fierce and unsaintly enough, we can see, nevertheless, how the deep emotions of their struggle after a higher life made them the great orators they were. Their language came from profound depths of feeling. Often their very earnestness betrays them into what for later ages is unintelligibility. Only antiquarians now can understand how deeply the minds of the earlier centuries of the New Order, which saved progress from going down into the bottomless pit of classical decadence, were stirred by controversies over prepositions and conjunctions. But if

we remember that in all of it, the men who are sometimes ridiculed as mere ascetics, mere pedants, were moved by a profound sense of their duty to save a world so demoralized, so shameless in the pursuit of everything sensual and base, that nothing short of their sublime enthusiasm, their very madness of contempt for the material and the sensual, could have saved it.

After studying in Constantinople and in Athens, the spirit of the Reformers of his time took hold on Basil and, under the ascetic impulse, he visited the hermits of Arabia and Asia Minor, hoping to learn sanctity from them. He founded a convent in Pontus, which his mother and sister entered. After his ordination as «Presbyter,» he was involved in the great Arian controversy, and the ability he showed as a disputant probably had much to do with his promotion to the bishopric of Cæsarea. In meeting the responsibilities of that office, his courage and eloquence made him famous. When threatened by the Emperor Valens, he replied that having nothing but a few books and his cloak, he did not fear confiscation of his goods; that he could not be exiled, since the whole earth was the Lord's; that torture and death would merely put an end to his labors and bring him nearer to the God for whom he longed. He died at Cæsarea A. D. 379. Such men must be judged from their own standpoints. It is worth much to understand them.

The sermon 'To the Fallen,' here used from Fish's translation, was greatly admired by Fenelon, who calls it a masterpiece. It was occasioned by a nun's breaking a vow of perpetual virginity.

ON A RECREANT NUN

IT IS time, now, to take up the exclamation of the Prophet: «O that my head were waters, and mine eyes a fountain of tears, that I might weep for the wounded of the daughter of my people!»—Jer. ix. 1.

For, although they are wrapped in profound silence, and lie quite stupefied by their calamity, and deprived, by their deadly wound, even of the very sense of suffering, yet it does not become us to withhold our tears over so sad a fall. For if Jeremiah deemed those worthy of countless lamentations who had received bodily wounds in battle, what shall we say when souls are involved in so great a calamity? «Thy wounded,» says the Prophet, «are not wounded with the sword, and thy dead are not the dead of war.» But my lamentation is for grievous sin, the sting of the true death, and for the fiery darts of the wicked,

which have cruelly kindled a flame in both body and soul. Well might the laws of God groan within themselves, beholding such pollution on earth, those laws which always utter their loud prohibition, saying in olden time, "Thou shalt not covet thy neighbor's wife"; and in the Gospels, "That whosoever looketh on a woman to lust after her, hath committed adultery with her already in his heart." But now they behold the very bride of the Lord —her of whom Christ is the head— committing adultery without fear or shame. Yes, the very spirits of departed saints may well groan, the zealous Phineas, that it is not permitted to him now to snatch the spear and to punish the loathsome sin with a summary corporeal vengeance; and John the Baptist, that he cannot now leave the celestial abodes, as he once left the wilderness, and hasten to rebuke the transgression, and if the sacrifice were called for, to lay down his head sooner than abate the severity of his reproof. Nay, let us rather say that, like blessed Abel, John "being dead yet speaketh," and now lifts up his voice with a yet louder cry than in the case of Herodias, saying, "It is not lawful for thee to have her." For, although the body of John, yielding to the inevitable sentence of God, has paid the debt of nature, and his tongue is silent, yet "the word of God is not bound." And he who, when the marriage covenant had been violated in the case of a fellow-servant, was faithful even unto death with his stern reproofs, what must he have felt if he had seen the holy bride-chamber of the Lord thus wantonly outraged?

But as for thee, O thou who hast thus cast off the yoke of that divine union, and deserted the undefiled chamber of the true King, and shamefully fallen into this disgraceful and impious defilement, since thou hast no way of evading this bitter charge, and no method or artifice can avail to conceal thy fearful crime, thou boldly hardenest thyself in guilt. And as he who has once fallen into the abyss of crime becomes henceforth an impious despiser, so thou deniest thy very covenant with the true bridegroom; alleging that thou wast not a virgin, and hadst never taken the vow, although thou hast both received and given many pledges of virginity. Remember the good confession which thou hast made before God and angels and men. Remember that venerable assembly, and the sacred choir of virgins, and the congregation of the Lord, and the Church of the saints. Remember thy aged grandmother in Christ, whose Christian virtues still

flourish in the vigor of youth; and thy mother in the Lord, who vies with the former, and strives by new and unwonted endeavors to dissolve the bands of custom; and thy sister likewise, in some things their imitator, and in some aspiring to excel them, and to surpass in the merits of virginity the attainments of her progenitors, and both in word and deed diligently inviting thee, her sister, as is meet, to the same competition. Remember these, and the angelic company associated with them in the service of the Lord, and the spiritual life though yet in the flesh, and the heavenly converse upon earth. Remember the tranquil days and the luminous nights, and the spiritual songs, and the melodious psalmody, and the holy prayers, and the chaste and undefiled couch, and the progress in virginal purity, and the temperate diet so helpful in preserving thy virginity uncontaminated. And where is now that grave deportment, and that modest mien, and that plain attire which so become a virgin, and that beautiful blush of bashfulness, and that comely paleness — the delicate bloom of abstinence and vigils, that outshines every ruddier glow. How often in prayer that thou mightest keep unspotted thy virginal purity hast thou poured forth thy tears! How many letters hast thou indited to holy men, imploring their prayers, not that thou mightest obtain these human — nuptials, shall I call them? rather this dishonorable defilement — but that thou mightest not fall away from the Lord Jesus? How often hast thou received the gifts of the spouse! And why should I mention also the honors accorded for his sake by those who are his — the companionship of the virgins, journeyings with them, welcomes from them, encomiums on virginity, blessings bestowed by virgins, letters addressed to thee as to a virgin! But now, having been just breathed upon by the aërial spirit that worketh in the children of disobedience, thou hast denied all these, and hast bartered that precious and enviable possession for a brief pleasure, which is sweet to thy taste for a moment, but which afterward thou wilt find bitterer than gall.

Besides all this, who can avoid exclaiming with grief, "How is Zion, the faithful city, become an harlot!" Nay, does not the Lord himself say to some who now walk in the spirit of Jeremiah, "Hast thou seen what the virgin of Israel hath done unto me?" "I betrothed her unto me in faith and purity, in righteousness and in judgment, and in loving-kindness and in mercies," even as I promised her by Hosea, the prophet. But she has loved

strangers; and even while I her husband lived, she has made herself an adulteress, and has not feared to become the wife of another husband. And what would the bride's guardian and conductor say, the divine and blessed Paul? Both the ancient Apostle, and this modern one, under whose auspices and instruction thou didst leave thy father's house, and join thyself to the Lord? Would not each, filled with grief at the great calamity, say, "The thing which I greatly feared has come upon me, and that which I was afraid of is come unto me," for "I espoused you unto one husband, that I might present you as a chaste virgin to Christ"; and I was always fearful, lest in some way as the serpent beguiled Eve by his subtilty, so thy mind should sometime be corrupted. And on this account I always endeavored, like a skillful charmer, by innumerable incantations, to suppress the tumult of the passions, and by a thousand safeguards to secure the bride of the Lord, rehearsing again and again the manner of her who is unmarried, how that she only "careth for the things of the Lord, that she may be holy both in body and in spirit"; and I set forth the honor of virginity, calling thee the temple of God, that I might add wings to thy zeal, and help thee upward to Jesus; and I also had recourse to the fear of evil, to prevent thee from falling, telling thee that "if any man defile the temple of God, him shall God destroy." I also added the assistance of my prayers, that, if possible, "thy whole body, and soul, and spirit might be preserved blameless unto the coming of our Lord Jesus Christ." But all this labor I have spent in vain upon thee; and those sweet toils have ended in a bitter disappointment; and now I must again groan over her of whom I ought to have joy. For lo, thou hast been beguiled by the serpent more bitterly than Eve; for not only has thy mind become defiled, but with it thy very body also, and what is still more horrible — I dread to say it, but I cannot suppress it; for it is as fire burning and blazing in my bones, and I am dissolving in every part and cannot endure it — thou hast taken the members of Christ, and made them the members of a harlot. This is incomparably the greatest evil of all. This is a new crime in the world, to which we may apply the words of the Prophet, "Pass over the isles of Chittim, and see; and send unto Kedar, and consider diligently, and see if there be such a thing. Hath a nation changed their gods, which are yet no gods?" For the virgin hath changed her glory, and now glories in her shame. The heavens are

astonished at this, and the earth trembleth very exceedingly. Now, also, the Lord says, the virgin hath committed two evils, she hath forsaken me, the true and holy bridegroom of sanctified souls, and hath fled to an impious and lawless polluter of the body, and corrupter of the soul. She hath turned away from God her Savior, and hath yielded her members servants to impurity and iniquity; she hath forgotten me, and gone after her lover, by whom she shall not profit.

It were better for him that a millstone were hanged about his neck, and he cast into the sea, than that he should cause one of the Lord's virgins to offend. What impudent servant ever carried his insane audacity so far as to fling himself upon the couch of his lord? Or what robber has ever become so madly hardened as to lay hands upon the very offerings devoted to God? — but here it is not inanimate vessels, but living bodies, inhabited by souls made in the image of God. Since the beginning of the world was any one ever heard of, who dared, in the midst of a great city, in broad midday, to deface the likeness of a king by inscribing upon it the forms of filthy swine? He that despises human nuptials dies without mercy under two or three witnesses; of how much sorer punishment, suppose ye, shall he be thought worthy who hath trodden under foot the Son of God, and defiled his espoused wife, and done despite to the spirit of virginity? . . .

But, after all this, "shall they fall and not arise? shall he turn away and not return?" Why hath the virgin turned away in so shameless an apostasy? — and that, too, after having heard Christ, the bridegroom, saying by Jeremiah, "And I said, after she had lewdly done all these things, turn thou unto me. But she returned not." "Is there no balm in Gilead? Is there no physician there? Why, then, is not the health of the daughter of my people recovered?" Truly thou mightest find in the Divine Scriptures many remedies for such an evil — many medicines that recover from perdition and restore to life; mysterious words about death and resurrection, a dreadful judgment, and everlasting punishment; the doctrines of repentance and remission of sins; those innumerable examples of conversion — the piece of silver, the lost sheep, the son that had devoured his living with harlots, that was lost and found, that was dead and alive again. Let us use these remedies for the evil; with these let us heal our souls. Think, too, of thy last day (for thou art not to live always, more than

others), of the distress, and the anguish, as the hour of death draws nearer, of the impending sentence of God, of the angels moving on rapid wing, of the soul fearfully agitated by all these things, and bitterly tormented by a guilty conscience, and clinging pitifully to the things here below, and still under the inevitable necessity of taking its departure. Picture to thy mind the final dissolution of all that belongs to our present life, when the Son of Man shall come in his glory, with his holy angels; for he "shall come, and shall not keep silence," when he shall come to judge the living and the dead, and to render to every man according to his work; when the trumpet, with its loud and terrible echo, shall awaken those who have slept from the beginning of the world, and they shall come forth, they that have done good to the resurrection of the life, and they that have done evil to the resurrection of damnation. Remember the divine vision of Daniel, how he brings the judgment before our eyes. "I beheld," says he, "till the thrones were placed, and the Ancient of days did sit, whose garment was white as snow, and the hair of his head like the pure wool; his throne was like the fiery flame, and his wheels as burning fire. A fiery stream issued and came forth from before him; thousand thousands ministered unto him, and ten thousand times ten thousand stood before him; the judgment was set, and the books were opened," revealing all at once in the hearing of all men and all angels, all things, whether good or bad, open or secret, deeds, words, thoughts. What effect must all these things have on those who have lived viciously? Where, then, shall the soul, thus suddenly revealed in all the fullness of its shame in the eyes of such a multitude of spectators — Oh, where shall it hide itself? In what body can it endure those unbounded and intolerable torments of the unquenchable fire, and the tortures of the undying worm, and the dark and frightful abyss of hell, and the bitter howlings, and woeful wailings, and weeping, and gnashing of teeth; and all these dire woes without end? Deliverance from these after death there is none; neither is there any device, nor contrivance, for escaping these bitter torments.

But now it is possible to escape them. Now, then, while it is possible, let us recover ourselves from our fall, let us not despair of restoration, if we break loose from our vices. Jesus Christ came into the world to save sinners. "Oh, come, let us worship and bow down," let us weep before him. His word, calling us to repentance, lifts up its voice and cries aloud, "Come unto me

all ye that labor and are heavy laden, and I will give you rest.» There is, then, a way to be saved, if we will. Death has prevailed and swallowed us up; but be assured, that God will wipe away every tear from the face of every penitent. The Lord is faithful in all his words. He does not lie, when he says, «Though your sins be as scarlet, they shall be as white as snow; though they be red like crimson, they shall be as wool.» The great Physician of souls is ready to heal thy disease; he is the prompt Deliverer, not of thee alone, but of all who are in bondage to sin. These are his words,—his sweet and life-giving lips pronounced them,—«They that be whole need not a physician, but they that are sick. I am not come to call the righteous, but sinners to repentance.» What excuse, then, remains to thee, or to any one else, when he utters such language as this? The Lord is willing to heal thy painful wound, and to enlighten thy darkness. The Good Shepherd leaves the sheep who have not strayed, to seek for thee. If thou give thyself up to him, he will not delay, he in his mercy will not disdain to carry thee upon his own shoulders, rejoicing that he has found his sheep which was lost. The Father stands waiting thy return from thy wanderings. Only arise and come, and whilst thou art yet a great way off he will run and fall upon thy neck; and, purified at once by thy repentance, thou shalt be enfolded in the embraces of his friendship. He will put the best robe on thy soul, when it has put off the old man with his deeds; he will put a ring on thy hands when they have been washed from the blood of death; he will put shoes on thy feet, when they have turned from the evil way to the path of the Gospel of peace; and he will proclaim a day of joy and gladness to the whole family of both angels and men, and will celebrate thy salvation with every form of rejoicing. For he himself says, «Verily I say unto you, that joy shall be in heaven before God over one sinner that repenteth.» And if any of those that stand by should seem to find fault, because thou art so quickly received, the good Father himself will plead for thee, saying, «It was meet that we should make merry and be glad; for this my daughter was dead, and is alive again; and was lost, and is found.»

RICHARD BAXTER

(1615–1691)

RICHARD BAXTER, author of 'The Saints' Everlasting Rest' and of other works to the extent of sixty octavo volumes, was called by Doddridge "the English Demosthenes." He was born November 12th, 1615, in Shropshire, England, and was admitted to orders in the English Church in 1638. He refused, however, to take the oath of "Submission to Archbishops, Bishops," etc., and established himself as the pastor of a dissenting church in Kidderminster. He was twice imprisoned for refusing to conform to the requirements of the Established Church. He died in 1691. One of his critics says of him:—

"The leading characteristics of Baxter are, eminent piety and vigor of intellect, keenness of logic, burning power and plainness of language, melting pathos, cloudless perspicuity, graceful description, and a certain vehemence of feeling which brings home his words with an irresistible force."

The sermon here extracted from was preached first at Kidderminster and afterwards at London, and it is said it produced "a profound sensation." As published entire, under the title 'Making Light of Christ and Salvation,' it makes a considerable volume.

UNWILLINGNESS TO IMPROVE

BELOVED hearers, the office that God hath called us to, is by declaring the glory of his grace, to help under Christ to the saving of men's souls. I hope you think not that I come hither to-day on any other errand. The Lord knows I had not set a foot out of doors but in hope to succeed in this work for your souls. I have considered, and often considered, what is the matter that so many thousands should perish when God hath done so much for their salvation; and I find this that is mentioned in my text is the cause. It is one of the wonders of the world, that when God hath so loved the world as to send his Son, and Christ hath made a satisfaction by his death sufficient for them

all, and offereth the benefits of it so freely to them, even without money or price, that yet the most of the world should perish; yea, the most of those that are thus called by his word! Why, here is the reason, when Christ hath done all this, men make light of it. God hath showed that he is not unwilling; and Christ hath showed that he is not unwilling that men should be restored to God's favor and be saved; but men are actually unwilling themselves. God takes not pleasure in the death of sinners, but rather that they return and live. But men take such pleasure in sin that they will die before they will return. The Lord Jesus was content to be their Physician, and hath provided them a sufficient plaster of his own blood: but if men make light of it, and will not apply it, what wonder if they perish after all? The Scripture giveth us the reason of their perdition. This, sad experience tells us, the most of the world is guilty of. It is a most lamentable thing to see how most men do spend their care, their time, their pains, for known vanities, while God and glory are cast aside; that he who is all should seem to them as nothing, and that which is nothing should seem to them as good as all; that God should set mankind in such a race where heaven or hell is their certain end, and that they should sit down, and loiter, or run after the childish toys of the world, and so much forget the prize that they should run for. Were it but possible for one of us to see the whole of this business as the all-seeing God doth; to see at one view both heaven and hell, which men are so near; and see what most men in the world are minding, and what they are doing every day, it would be the saddest sight that could be imagined. Oh how should we marvel at their madness, and lament their self-delusion! Oh poor distracted world! what is it you run after? and what is it that you neglect? If God had never told them what they were sent into the world to do, or whither they are going, or what was before them in another world, then they had been excusable; but he hath told them over and over, till they were weary of it. Had he left it doubtful, there had been some excuse; but it is his sealed word, and they profess to believe it, and would take it ill of us if we should question whether they do believe it or not.

Beloved, I come not to accuse any of you particularly of this crime; but seeing it is the commonest cause of men's destruction, I suppose you will judge it the fittest matter for our inquiry, and deserving our greatest care for the cure. To which

end I shall, 1. Endeavor the conviction of the guilty. 2. Shall give them such considerations as may tend to humble and reform them. 3. I shall conclude with such direction as may help them that are willing to escape the destroying power of this sin. And for the first, consider:—

1. It is the case of most sinners to think themselves freest from those sins that they are most enslaved to; and one reason why we cannot reform them, is because we cannot convince them of their guilt. It is the nature of sin so far to blind and befool the sinner, that he knoweth not what he doth, but thinketh he is free from it when it reigneth in him, or when he is committing it; it bringeth men to be so much unacquainted with themselves that they know not what they think, or what they mean and intend, nor what they love or hate, much less what they are habituated and disposed to. They are alive to sin, and dead to all the reason, consideration, and resolution that should recover them, as if it were only by their sinning that we must know they are alive. May I hope that you that hear me to-day are but willing to know the truth of your case, and then I shall be encouraged to proceed to an inquiry. God will judge impartially; why should not we do so? Let me, therefore, by these following questions, try whether none of you are slighters of Christ and your own salvation. And follow me, I beseech you, by putting them close to your own hearts, and faithfully answering them.

1. Things that men highly value will be remembered; they will be matter of their freest and sweetest thoughts. This is a known case.

Do not those then make light of Christ and salvation that think of them so seldom and coldly in comparison of other things? Follow thy own heart, man, and observe what it daily runneth after; and then judge whether it make not light of Christ.

We cannot persuade men to one hour's sober consideration what they should do for an interest in Christ, or in thankfulness for his love, and yet they will not believe that they make light of him.

2. Things that we highly value will be matter of our discourse; the judgment and heart will command the tongue. Freely and delightfully will our speech run after them. This also is a known case.

Do not those men make light of Christ and salvation that shun the mention of his name, unless it be in a vain or sinful use? Those that love not the company where Christ and salvation is much talked of, but think it troublesome, precise discourse; that had rather hear some merry jests, or idle tales, or talk of their riches or business in the world? When you may follow them from morning to night, and scarce have a savory word of Christ; but, perhaps, some slight and weary mention of him sometimes; judge whether these make not light of Christ, and salvation. How seriously do they talk of the world and speak vanity! but how heartlessly do they make mention of Christ and salvation!

3. The things that we highly value we would secure the possession of, and, therefore, would take any convenient course to have all doubts and fears about them well resolved. Do not those men then make light of Christ and salvation that have lived twenty or thirty years in uncertainty whether they have any part in these or not, and yet never seek out for the right resolution of their doubts? Are all that hear me this day certain they shall be saved? Oh that they were! Oh, had you not made light of salvation, you could not so easily bear such doubting of it; you could not rest till you had made it sure, or done your best to make it sure. Have you nobody to inquire of, that might help you in such a work? Why, you have ministers that are purposely appointed to that office. Have you gone to them, and told them the doubtfulness of your case, and asked their help in the judging of your condition? Alas, ministers may sit in their studies from one year to another, before ten persons among a thousand will come to them on such an errand! Do not these make light of Christ and salvation? When the Gospel pierceth the heart indeed, they cry out, "Men and brethren, what shall we do to be saved?" Trembling and astonished, Paul cries out, "Lord, what wilt thou have me to do?" And so did the convinced Jews to Peter. But when hear we such questions?

4. The things that we value do deeply affect us, and some motions will be in the heart according to our estimation of them. O sirs, if men made not light of these things, what working would there be in the hearts of all our hearers! What strange affections would it raise in them to hear of the matters of the world to come! How would their hearts melt before the power of the Gospel! What sorrow would be wrought in the discovery

of their sins! What astonishment at the consideration of their misery! What unspeakable joy at the glad tidings of salvation by the blood of Christ! What resolution would be raised in them upon the discovery of their duty! Oh what hearers should we have, if it were not for this sin! Whereas, now we are liker to weary them, or preach them asleep with matters of this unspeakable moment. We talk to them of Christ and salvation till we make their heads ache; little would one think by their careless carriage that they heard and regarded what we said, or thought we spoke at all to them.

5. Our estimation of things will be seen in the diligence of our endeavors. That which we highliest value, we shall think no pains too great to obtain. Do not those men then make light of Christ and salvation that think all too much that they do for them; that murmur at his service, and think it too grievous for them to endure? that ask of his service as Judas of the ointment, What need this waste? Cannot men be saved without so much ado? This is more ado than needs. For the world they will labor all the day, and all their lives; but for Christ and salvation they are afraid of doing too much. Let us preach to them as long as we will, we cannot bring them to relish or resolve upon a life of holiness. Follow them to their houses, and you shall not hear them read a chapter, nor call upon God with their families once a day; nor will they allow him that one day in seven which he hath separated to his service. But pleasure, or worldly business, or idleness, must have a part. And many of them are so far hardened as to reproach them that will not be as mad as themselves. And is not Christ worth the seeking? Is not everlasting salvation worth more than all this? Doth not that soul make light of all these that thinks his ease more worth than they? Let but common sense judge.

6. That which we most highly value, we think we cannot buy too dear: Christ and salvation are freely given, and yet the most of men go without them because they cannot enjoy the world and them together. They are called but to part with that which would hinder them from Christ, and they will not do it. They are called but to give God his own, and to resign all to his will, and let go the profits and pleasures of this world, when they must let go either Christ or them, and they will not. They think this too dear a bargain, and say they cannot spare these things; they must hold their credit with men; they must look to

their estates: how shall they live else? They must have their pleasure, whatsoever becomes of Christ and salvation: as if they could live without Christ better than without these: as if they were afraid of being losers by Christ or could make a saving match by losing their souls to gain the world. Christ hath told us over and over that if we will not forsake all for him we cannot be his disciples. Far are these men from forsaking all, and yet will needs think that they are his disciples indeed.

7. That which men highly esteem, they would help their friends to as well as themselves. Do not those men make light of Christ and salvation that can take so much care to leave their children portions in the world, and do so little to help them to heaven? that provide outward necessaries so carefully for their families, but do so little to the saving of their souls? Their neglected children and friends will witness that either Christ, or their children's souls, or both, were made light of.

8. That which men highly esteem, they will so diligently seek after that you may see it in the success, if it be a matter within their reach. You may see how many make light of Christ, by the little knowledge they have of him, and the little communion with him, and communication from him; and the little, yea, none of his special grace in them. Alas! how many ministers can speak it to the sorrow of their hearts, that many of their people know almost nothing of Christ, though they hear of him daily! Nor know they what they must do to be saved: if we ask them an account of these things, they answer as if they understood not what we say to them, and tell us they are no scholars, and therefore think they are excusable for their ignorance. Oh if these men had not made light of Christ and their salvation, but had bestowed but half as much pains to know and enjoy him as they have done to understand the matters of their trades and callings in the world, they would not have been so ignorant as they are: they make light of these things, and therefore will not be at the pains to study or learn them. When men that can learn the hardest trade in a few years have not learned a catechism, nor how to understand their creed, under twenty or thirty years' preaching, nor can abide to be questioned about such things, doth not this show that they have slighted them in their hearts? How will these despisers of Christ and salvation be able one day to look him in the face, and to give an account of these neglects? . . .

JAMES A. BAYARD

(1767–1815)

DURING the first decade of the nineteenth century, a most important formative period of American history, James A. Bayard was the recognized leader of the Federalists in the Senate. They had lost the presidential election of 1800, and their party had been so completely disorganized by the defeat that they never recovered from it, nor won, as a party, another victory. Defeat, however, did not prevent them from making a stubborn fight for principle—from filing, as it were, an appeal from the first to the third quarter of the century. In this James A. Bayard was their special advocate and representative. The pleas he made in his celebrated speech on the Judiciary, delivered in the House of Representatives, and in similar speeches in the Senate, defined as they had not been defined before, the views of that body of Conservatives whose refusal to accept the defeat of 1800 as anything more than an ephemeral incident, led to the far-reaching results achieved by other parties which their ideas brought into existence. It was said of Bayard, as their representative and leader, that "he was distinguished for the depth of his knowledge, the solidity of his reasoning, and the perspicuity of his illustration." He was called "the Goliath of Federalism," and "the high priest of the constitution," by the opponents of "Jacobinism," as Federalists often termed Jeffersonian democracy.

Mr. Bayard was born in Philadelphia, July 28th, 1767. His father, Dr. James A. Bayard, claimed his descent from the celebrated "Chevalier" Bayard,—a fact which greatly influenced the son as it has others of the family who have succeeded him in public life. Thus when offered the French mission James A. Bayard declined it, fearing that it might involve the suspicion of a bargain. "My ambitions," he wrote in a letter to a relative, "shall never be gratified at the expense of a suspicion. I shall never lose sight of the motto of the great original of our name."

After preparing for the bar, Bayard settled in Delaware and in 1796 that State elected him to the lower house of Congress, promoting him in 1804 to the Senate and re-electing him at the expiration of his first term. In 1813, President Madison appointed him one of the Commissioners to conclude the treaty of peace with England.

After the success of that mission, he was appointed minister to Russia, but declined saying that he had «no wish to serve the administration except when his services were necessary for the public good.» He died in August 1815.

His speeches show a strong and comprehensive grasp of facts, a power to present them in logical sequence, and an apprehension of principle which is not often seen in public speeches. They were addressed, however, only to the few who will take the pains to do severe and connected thinking and they are never likely to become extensively popular.

THE FEDERAL JUDICIARY

(Delivered on the Judiciary Bill, in the House of Representatives, on the Nineteenth of February, 1802)

Mr. Chairman:—

I MUST be allowed to express my surprise at the course pursued by the honorable gentleman from Virginia, Mr. Giles, in the remarks which he has made on the subject before us. I had expected that he would have adopted a different line of conduct. I had expected it as well from that sentiment of magnanimity which ought to have been inspired by a sense of the high ground he holds on the floor of this House, as from the professions of a desire to conciliate, which he has so repeatedly made during the session. We have been invited to bury the hatchet, and brighten the chain of peace. We were disposed to meet on middle-ground. We had assurances from the gentleman that he would abstain from reflections on the past, and that his only wish was that we might unite in future in promoting the welfare of our common country. We confided in the gentleman's sincerity, and cherished the hope, that if the divisions of party were not banished from the House, its spirit would be rendered less intemperate. Such were our impressions, when the mask was suddenly thrown aside, and we saw the torch of discord lighted and blazing before our eyes. Every effort has been made to revive the animosities of the House and inflame the passions of the nation. I am at no loss to perceive why this course has been pursued. The gentleman has been unwilling to rely upon the strength of his subject, and has, therefore, determined to make the measure a party question. He has probably secured success, but would it not

have been more honorable and more commendable to have left the decision of a great constitutional question to the understanding, and not to the prejudices of the House? It was my ardent wish to discuss the subject with calmness and deliberation, and I did intend to avoid every topic which could awaken the sensibility of party. This was my temper and design when I took my seat yesterday. It is a course at present we are no longer at liberty to pursue. The gentleman has wandered far, very far, from the points of the debate, and has extended his animadversions to all the prominent measures of the former administrations. In following him through his preliminary observations, I necessarily lose sight of the bill upon your table.

The gentleman commenced his strictures with the philosophic observation, that it was the fate of mankind to hold different opinions as to the form of government which was preferable; that some were attached to the monarchical, while others thought the republican more eligible. This, as an abstract remark, is certainly true, and could have furnished no ground of offense, if it had not evidently appeared that an allusion was designed to be made to the parties in this country. Does the gentleman suppose that we have a less lively recollection than himself, of the oath which we have taken to support the constitution; that we are less sensible of the spirit of our government, or less devoted to the wishes of our constituents? Whatever impression it might be the intention of the gentleman to make, he does not believe that there exists in the country an anti-republican party. He will not venture to assert such an opinion on the floor of this House. That there may be a few individuals having a preference for monarchy is not improbable; but will the gentleman from Virginia, or any other gentleman, affirm in his place, that there is a party in the country who wish to establish monarchy? Insinuations of this sort belong not to the legislature of the Union. Their place is an election ground, or an alehouse. Within these walls they are lost; abroad, they have had an effect, and I fear are still capable of abusing popular credulity.

We were next told of the parties which have existed, divided by the opposite views of promoting executive power and guarding the rights of the people. The gentleman did not tell us in plain language, but he wished it to be understood, that he and his friends were the guardians of the people's rights, and that we were the advocates of executive power.

I know that this is the distinction of party which some gentlemen have been anxious to establish; but it is not the ground on which we divide. I am satisfied with the constitutional powers of the executive, and never wished nor attempted to increase them; and I do not believe, that gentlemen on the other side of the House ever had a serious apprehension of danger from an increase of executive authority. No, sir, our views, as to the powers which do and ought to belong to the general and State governments, are the true sources of our divisions. I co-operate with the party to which I am attached, because I believe their true object and end is an honest and efficient support of the general government, in the exercise of the legitimate powers of the constitution.

I pray to God I may be mistaken in the opinion I entertain as to the designs of gentlemen to whom I am opposed. Those designs I believe hostile to the powers of this government. State pride extinguishes a national sentiment. Whatever power is taken from this government is given to the States.

The ruins of this government aggrandize the States. There are States which are too proud to be controlled; whose sense of greatness and resource renders them indifferent to our protection, and induces a belief that if no general government existed, their influence would be more extensive, and their importance more conspicuous. There are gentlemen who make no secret of an extreme point of depression, to which the government is to be sunk. To that point we are rapidly progressing. But I would beg gentlemen to remember that human affairs are not to be arrested in their course, at artificial points. The impulse now given may be accelerated by causes at present out of view. And when those, who now design well, wish to stop, they may find their powers unable to resist the torrent. It is not true, that we ever wished to give a dangerous strength to executive power. While the government was in our hands, it was our duty to maintain its constitutional balance, by preserving the energies of each branch. There never was an attempt to vary the relation of its powers. The struggle was to maintain the constitutional powers of the executive. The wild principles of French liberty were scattered through the country. We had our Jacobins and disorganizers. They saw no difference between a king and a president, and as the people of France had put down their King, they thought the people of America ought to put down

their President. They, who considered the constitution as securing all the principles of rational and practicable liberty, who were unwilling to embark upon the tempestuous sea of revolution in pursuit of visionary schemes, were denounced as monarchists. A line was drawn between the government and the people, and the friends of the government were marked as the enemies of the people. I hope, however, that the government and the people are now the same; and I pray to God, that what has been frequently remarked, may not, in this case, be discovered to be true, that they, who have the name of the people the most often in their mouths, have their true interests the most seldom at their hearts.

The honorable gentleman from Virginia wandered to the very confines of the federal administration, in search of materials the most inflammable and most capable of kindling the passions of his party. . . .

I did suppose, sir, that this business was at an end; and I did imagine, that as gentlemen had accomplished their object, they would have been satisfied. But as the subject is again renewed, we must be allowed to justify our conduct. I know not what the gentleman calls an expression of the public will. There were two candidates for the office of President, who were presented to the House of Representatives with equal suffrages. The constitution gave us the right and made it our duty to elect that one of the two whom we thought preferable. A public man is to notice the public will as constitutionally expressed. The gentleman from Virginia, and many others, may have had their preference; but that preference of the public will not appear by its constitutional expression. Sir, I am not certain that either of those candidates had a majority of the country in his favor. Excluding the State of South Carolina, the country was equally divided. We know that parties in that State were nearly equally balanced, and the claims of both the candidates were supported by no other scrutiny into the public will than our official return of votes. Those votes are very imperfect evidence of the true will of a majority of the nation. They resulted from political intrigue and artificial arrangement.

When we look at the votes, we must suppose that every man in Virginia voted the same way. These votes are received as a correct expression of the public will. And yet we know that if the votes of that State were apportioned according to the several

voices of the people, that at least seven out of twenty-one would have been opposed to the successful candidate. It was the suppression of the will of one-third of Virginia, which enables gentlemen now to say that the present chief magistrate is the man of the people. I consider that as the public will, which is expressed by constitutional organs. To that will I bow and submit. The public will, thus manifested, gave to the House of Representatives the choice of the two men for President. Neither of them was the man whom I wished to make President; but my election was confined by the constitution to one of the two, and I gave my vote to the one whom I thought was the greater and better man. That vote I repeated, and in that vote I should have persisted, had I not been driven from it by imperious necessity. The prospect ceased of the vote being effectual, and the alternative only remained of taking one man for President, or having no President at all. I chose, as I then thought, the lesser evil.

From the scene in this House, the gentleman carried us to one in the Senate. I should blush, sir, for the honor of the country, could I suppose that the law, designed to be repealed, owed its support in that body to the motives which have been indicated. The charge designed to be conveyed, not only deeply implicates the integrity of individuals of the Senate, but of the person who was then the chief magistrate. The gentleman, going beyond all precedent, has mentioned the names of members of that body, to whom commissions issued for offices not created by the bill before them, but which that bill, by the promotions it afforded, was likely to render vacant. He has considered the scandal of the transaction as aggravated by the issuing of commissions for offices not actually vacant, upon the bare presumption that they would become vacant by the incumbents accepting commissions for higher offices which were issued in their favor. The gentleman has particularly dwelt upon the indecent appearance of the business, from two commissions being held by different persons at the same time for the same office.

I beg that it will be understood that I mean to give no opinion as to the regularity of granting a commission for a judicial office, upon the probability of a vacancy before it is actually vacant; but I shall be allowed to say that so much doubt attends the point, that an innocent mistake might be made on the subject. I believe, sir, it has been the practice to consider the acceptance of an office as relating to the date of the commission.

The officer is allowed his salary from that date, upon the principle that the commission is a grant of the office, and the title commences with the date of the grant. This principle is certainly liable to abuse, but where there was a suspicion of abuse, I presume the government would depart from it. Admitting the office to pass by the commission, and the acceptance to relate to its date, it then does not appear very incorrect, in the case of a commission for the office of a circuit judge, granted to a district judge, as the acceptance of the commission for the former office relates to the date of the commission, to consider the latter office as vacant from the same time. The offices are incompatible. You cannot suppose the same person in both offices at the same time. From the moment, therefore, that you consider the office of circuit judge as filled by a person who holds the commission of district judge, you must consider the office of district judge as vacated. The grant is contingent. If the contingency happen, the office vests from the date of the commission; if the contingency does not happen, the grant is void. If this reasoning be sound, it was not irregular, in the late administration, after granting a commission to a district judge, for the place of a circuit judge, to make a grant of the office of the district judge, upon the contingency of his accepting the office of circuit judge.

. . . . . .

The legislative power of the government is not absolute, but limited. If it be doubtful whether the legislature can do what the constitution does not explicitly authorize, yet there can be no question, that they cannot do what the constitution expressly prohibits. To maintain, therefore, the constitution, the judges are a check upon the legislature. The doctrine, I know, is denied, and it is, therefore, incumbent upon me to show that it is sound.

It was once thought by gentlemen, who now deny the principle, that the safety of the citizen and of the States rested upon the power of the judges to declare an unconstitutional law void. How vain is a paper restriction if it confers neither power nor right. Of what importance is it to say, Congress are prohibited from doing certain acts, if no legitimate authority exists in the country to decide whether an act done is a prohibited act? Do gentlemen perceive the consequences which would follow from establishing the principle, that Congress have the exclusive right to decide upon their own powers? This principle admitted, does

any constitution remain? Does not the power of the legislature become absolute and omnipotent? Can you talk to them of transgressing their powers, when no one has a right to judge of those powers but themselves? They do what is not authorized, they do what is inhibited, nay, at every step, they trample the constitution under foot; yet their acts are lawful and binding, and it is treason to resist them. How ill, sir, do the doctrines and professions of these gentlemen agree. They tell us they are friendly to the existence of the States; that they are the friends of federative, but the enemies of a consolidated general government, and yet, sir, to accomplish a paltry object, they are willing to settle a principle which, beyond all doubt, would eventually plant a consolidated government, with unlimited power, upon the ruins of the State governments.

Nothing can be more absurd than to contend that there is a practical restraint upon a political body, who are answerable to none but themselves for the violation of the restraint, and who can derive, from the very act of violation, undeniable justification of their conduct.

If, Mr. Chairman, you mean to have a constitution, you must discover a power to which the acknowledged right is attached of pronouncing the invalidity of the acts of the legislature, which contravened the instrument.

Does the power reside in the States? Has the legislature of a State a right to declare an act of Congress void? This would be erring upon the opposite extreme. It would be placing the general government at the feet of the State governments. It would be allowing one member of the Union to control all the rest. It would inevitably lead to civil dissension and a dissolution of the general government. Will it be pretended that the State courts have the exclusive right of deciding upon the validity of our laws?

I admit they have the right to declare an act of Congress void. But this right they enjoy in practice, and it ever essentially must exist, subject to the revision and control of the courts of the United States. If the State courts definitely possessed the right of declaring the invalidity of the laws of this government, it would bring us in subjection to the States. The judges of those courts, being bound by the laws of the State, if a State declared an act of Congress unconstitutional, the law of the State would oblige its courts to determine the law invalid. This

principle would also destroy the uniformity of obligation upon all the States, which should attend every law of this government. If a law were declared void in one State, it would exempt the citizens of that State from its operation, whilst obedience was yielded to it in the other States. I go further, and say, if the States or State courts had a final power of annulling the acts of this government, its miserable and precarious existence would not be worth the trouble of a moment to preserve. It would endure but a short time, as a subject of derision, and, wasting into an empty shadow, would quickly vanish from our sight.

Let me now ask, if the power to decide upon the validity of our laws resides with the people. Gentlemen cannot deny this right to the people. I admit they possess it. But if, at the same time, it does not belong to the courts of the United States, where does it lead the people? It leads them to the gallows. Let us suppose that Congress, forgetful of the limits of their authority, pass an unconstitutional law. They lay a direct tax upon one State and impose none upon the others. The people of the State taxed contest the validity of the law. They forcibly resist its execution. They are brought by the executive authority before the courts upon charges of treason. The law is unconstitutional, the people have done right, but the court are bound by the law, and obliged to pronounce upon them the sentence which it inflicts. Deny to the courts of the United States the power of judging upon the constitutionality of our laws, and it is vain to talk of its existing elsewhere. The infractors of the laws are brought before these courts, and if the courts are implicitly bound, the invalidity of the laws can be no defense. There is, however, Mr. Chairman, still a stronger ground of argument upon this subject. I shall select one or two cases to illustrate it. Congress are prohibited from passing a bill of attainder; it is also declared in the constitution, that "no attainder of treason shall work corruption of blood or forfeiture, except during the life of the party attainted." Let us suppose that Congress pass a bill of attainder, or they enact, that any one attainted of treason shall forfeit, to the use of the United States, all the estate which he held in any lands or tenements.

The party attainted is seized and brought before a federal court, and an award of execution passed against him. He opens the constitution and points to this line, "no bill of attainder or

ex post facto law shall be passed." The attorney for the United States reads the bill of attainder.

The courts are bound to decide, but they have only the alternative of pronouncing the law or the constitution invalid. It is left to them only to say that the law vacates the constitution, or the constitution voids the law. So, in the other case stated, the heir, after the death of his ancestor, brings his ejectment in one of the courts of the United States to recover his inheritance. The law by which it is confiscated is shown. The constitution gave no power to pass such a law. On the contrary, it expressly denied it to the government. The title of the heir is rested on the constitution, the title of the government on the law. The effect of one destroys the effect of the other; the court must determine which is effectual.

There are many other cases, Mr. Chairman, of a similar nature to which I might allude. There is the case of the privilege of *habeas corpus*, which cannot be suspended but in times of rebellion or invasion. Suppose a law prohibiting the issue of the writ at a moment of profound peace! If, in such case, the writ were demanded of a court, could they say, it is true the legislature were restrained from passing the law suspending the privilege of this writ, at such a time as that which now exists, but their mighty power has broken the bonds of the constitution, and fettered the authority of the court? I am not, sir, disposed to vaunt, but standing on this ground, I throw the gauntlet to any champion upon the other side. I call upon them to maintain, that, in a collision between a law and the constitution, the judges are bound to support the law, and annul the constitution. Can the gentlemen relieve themselves from this dilemma? Will they say, though a judge has no power to pronounce a law void, he has a power to declare the constitution invalid?

The doctrine for which I am contending, is not only clearly inferable from the plain language of the constitution, but by law has been expressly declared and established in practice since the existence of the government.

The second section of the third article of the constitution expressly extends the judicial power to all cases arising under the constitution, laws, etc. The provision in the second clause of the sixth article leaves nothing to doubt. "This constitution and the laws of the United States, which shall be made in pursuance

thereof, etc., shall be the supreme law of the land." The constitution is absolutely the supreme law. Not so the acts of the legislature! Such only are the law of the land as are made in pursuance of the constitution.

I beg the indulgence of the committee one moment, while I read the following provision from the twenty-fifth section of the judicial act of the year 1789: "A final judgment or decree in any suit in the highest court of law or equity of a state, in which a decision in the suit could be had, where is drawn in question the validity of a treaty or statute of, or an authority exercised under, the United States, and the decision is against their validity, etc., may be re-examined and reversed or affirmed in the Supreme Court of the United States, upon a writ of error." Thus, as early as the year 1789, among the first acts of the government, the legislature explicitly recognized the right of a State court to declare a treaty, a statute, and an authority exercised under the United States, void, subject to the revision of the Supreme Court of the United States; and it has expressly given the final power to the Supreme Court to affirm a judgment which is against the validity, either of a treaty, statute, or an authority of the government.

I humbly trust, Mr. Chairman, that I have given abundant proofs from the nature of our government, from the language of the constitution, and from legislative acknowledgment, that the judges of our courts have the power to judge and determine upon the constitutionality of our laws.

Let me now suppose that, in our frame of government, the judges are a check upon the legislature; that the constitution is deposited in their keeping. Will you say afterwards that their existence depends upon the legislature? That the body whom they are to check has the power to destroy them? Will you say that the constitution may be taken out of their hands by a power the most to be distrusted, because the only power which could violate it with impunity? Can anything be more absurd than to admit that the judges are a check upon the legislature, and yet to contend that they exist at the will of the legislature? A check must necessarily imply a power commensurate to its end. The political body, designed to check another, must be independent of it, otherwise there can be no check. What check can there be when the power designed to be checked can annihilate the body which is to restrain?

I go further, Mr. Chairman, and take a stronger ground. I say, in the nature of things, the dependence of the judges upon the legislature, and their right to declare the acts of the legislature void, are repugnant, and cannot exist together. The doctrine, sir, supposes two rights — first, the right of the legislature to destroy the office of the judge, and the right of the judge to vacate the act of the legislature. You have a right to abolish by a law the offices of the judges of the circuit courts; they have a right to declare the law void. It unavoidably follows, in the exercise of these rights, either that you destroy their rights, or that they destroy yours. This doctrine is not a harmless absurdity, it is a most dangerous heresy. It is a doctrine which cannot be practiced without producing not discord only, but bloodshed. If you pass the bill upon your table, the judges have a constitutional right to declare it void. I hope they will have courage to exercise that right; and if, sir, I am called upon to take my side, standing acquitted in my conscience, and before my God, of all motives but the support of the constitution of my country, I shall not tremble at the consequences.

The constitution may have its enemies, but I know that it has also its friends. I beg gentlemen to pause, before they take this rash step. There are many, very many, who believe, if you strike this blow, you inflict a mortal wound on the constitution. There are many now willing to spill their blood to defend that constitution. Are gentlemen disposed to risk the consequences? Sir, I mean no threats, I have no expectation of appalling the stout hearts of my adversaries; but if gentlemen are regardless of themselves, let them consider their wives and children, their neighbors and their friends. Will they risk civil dissension, will they hazard the welfare, will they jeopardize the peace of the country, to save a paltry sum of money, less than thirty thousand dollars?

Mr. Chairman, I am confident that the friends of this measure are not apprised of the nature of its operation, nor sensible of the mischievous consequences which are likely to attend it. Sir, the morals of your people, the peace of the country, the stability of the government, rest upon the maintenance of the independence of the judiciary. It is not of half the importance in England, that the judges should be independent of the crown, as it is with us that they should be independent of the legislature.

Am I asked, would you render the judges superior to the legislature? I answer, no, but co-ordinate. Would you render them independent of the legislature? I answer, yes, independent of every power on earth, while they behave themselves well. The essential interests, the permanent welfare of society, require this independence; not, sir, on account of the judge; that is a small consideration, but on account of those between whom he is to decide. You calculate on the weaknesses of human nature, and you suffer the judge to be dependent on no one, lest he should be partial to those on whom he depends. Justice does not exist where partiality prevails. A dependent judge cannot be impartial. Independence is, therefore, essential to the purity of your judicial tribunals.

Let it be remembered, that no power is so sensibly felt by society, as that of the judiciary. The life and property of every man is liable to be in the hands of the judges. Is it not our great interest to place our judges upon such high ground that no fear can intimidate, no hope seduce them? The present measure humbles them in the dust, it prostrates them at the feet of faction, it renders them the tools of every dominant party. It is this effect which I deprecate, it is this consequence which I deeply deplore. What does reason, what does argument avail, when party spirit presides? Subject your bench to the influence of this spirit, and justice bids a final adieu to your tribunals. We are asked, sir, if the judges are to be independent of the people? The question presents a false and delusive view. We are all the people. We are, and as long as we enjoy our freedom, we shall be divided into parties. The true question is, shall the judiciary be permanent, or fluctuate with the tide of public opinion? I beg, I implore gentlemen to consider the magnitude and value of the principle which they are about to annihilate. If your judges are independent of political changes, they may have their preferences, but they will not enter into the spirit of party. But let their existence depend upon the support of the power of a certain set of men, and they cannot be impartial. Justice will be trodden under foot. Your courts will lose all public confidence and respect.

The judges will be supported by their partisans, who, in their turn, will expect impunity for the wrongs and violence they commit. The spirit of party will be inflamed to madness: and the

moment is not far off, when this fair country is to be desolated by a civil war.

Do not say that you render the judges dependent only on the people. You make them dependent on your President. This is his measure. The same tide of public opinion which changes a President will change the majorities in the branches of the legislature. The legislature will be the instrument of his ambition, and he will have the courts as the instruments of his vengeance. He uses the legislature to remove the judges, that he may appoint creatures of his own. In effect, the powers of the government will be concentrated in the hands of one man, who will dare to act with more boldness, because he will be sheltered from responsibility. The independence of the judiciary was the felicity of our constitution. It was this principle which was to curb the fury of party on sudden changes. The first movements of power gained by a struggle are the most vindictive and intemperate. Raised above the storm it was the judiciary which was to control the fiery zeal, and to quell the fierce passions of a victorious faction.

We are standing on the brink of that revolutionary torrent, which deluged in blood one of the fairest countries of Europe.

France had her national assembly, more numerous than, and equally popular with, our own. She had her tribunals of justice, and her juries. But the legislature and her courts were but the instruments of her destruction. Acts of proscription and sentences of banishment and death were passed in the cabinet of a tyrant. Prostrate your judges at the feet of party, and you break down the mounds which defend you from this torrent.

I am done. I should have thanked my God for greater power to resist a measure so destructive to the peace and happiness of the country. My feeble efforts can avail nothing. But it was my duty to make them. The meditated blow is mortal, and from the moment it is struck, we may bid a final adieu to the constitution.

COMMERCE AND NAVAL POWER

(United States Senate, February 12th, 1810)

God has decided that the people of this country should be a commercial people. You read that decree in the seacoast of seventeen hundred miles which he has given you; in the numerous navigable waters which penetrate the interior of the country; in the various ports and harbors scattered along your shores; in your fisheries; in the redundant productions of your soil; and, more than all, in the enterprising and adventurous spirit of your people. It is no more a question whether the people of this country shall be allowed to plough the ocean, than it is whether they shall be permitted to plough the land. It is not in the power of this government, nor would it be if it were as strong as the most despotic upon the earth, to subdue the commercial spirit, or to destroy the commercial habits of the country.

Young as we are, our tonnage and commerce surpass those of every nation upon the globe but one, and if not wasted by the deprivations to which they were exposed by their defenseless situation, and the more ruinous restrictions to which this government subjected them, it would require not many more years to have made them the greatest in the world. Is this immense wealth always to be exposed as a prey to the rapacity of freebooters? Why will you protect your citizens and their property upon land, and leave them defenseless upon the ocean? As your mercantile property increases, the prize becomes more tempting to the cupidity of foreign nations. In the course of things, the ruins and aggressions which you have experienced will multiply, nor will they be restrained while we have no appearance of a naval force.

I have always been in favor of a naval establishment — not from the unworthy motives attributed by the gentleman from Georgia to a former administration, in order to increase patronage, but from a profound conviction that the safety of the Union and the prosperity of the nation depended greatly upon its commerce, which never could be securely enjoyed without the protection of naval power. I offer, sir, abundant proof for the satisfaction of the liberal mind of that gentleman, that patronage was not formerly a motive in voting an increase in the navy, when I give now the same vote, when surely I and my friends

have nothing to hope, and for myself, I thank God, nothing to wish from the patronage it may confer.

You must and will have a navy; but it is not to be created in a day, nor is it to be expected that, in its infancy, it will be able to cope, foot to foot with the full-grown vigor of the navy of England. But we are even now capable of maintaining a naval force formidable enough to threaten the British commerce, and to render this nation an object of more respect and consideration.

In another point of view, the protection of commerce has become more indispensable. The discovery is completely made, that it is from commerce that the revenue is to be drawn which is to support this government. A direct tax, a stamp act, a carriage tax, and an excise, have been tried; and I believe, sir, after the lesson which experience has given on the subject, no set of men in power will ever repeat them again, for all they are likely to produce. The burden must be pretty light upon the people of this country, or the rider is in great danger. You may be allowed to sell your back lands for some time longer, but the permanent fund for the support of this government is the imports.

If the people were willing to part with commerce, can the government dispense with it? But when it belongs equally to the interest of the people and of the government to encourage and protect it, will you not spare a few of those dollars which it brings into your treasury, to defend and protect it?

In relation to the increase of a permanent military force, a free people cannot cherish too great a jealousy. An army may wrest the power from the hands of the people, and deprive them of their liberty. It becomes us, therefore, to be extremely cautious how we augment it. But a navy of any magnitude can never threaten us with the same danger. Upon land, at this time, we have nothing — and probably, at any future time, we shall have but little — to fear from any foreign power. It is upon the ocean we meet them; it is there our collisions arise; it is there we are most feeble, most vulnerable, and most exposed; it is there by consequence, that our safety and prosperity must require an augmented force.

THOMAS F. BAYARD

(1828–1898)

IN 1876, when the country was in imminent danger of the renewal of civil war as a result of the contested presidential election, the conservative element of the Democratic party, advised by Mr. Tilden himself, determined to avoid anything which might result in extreme measures. The masses of the people were excited as they had not been since the close of the Civil War, and the great majority of the Democrats of the country were undoubtedly opposed to making concessions. Thomas F. Bayard, who took the lead in the Senate as the representative of the moderate policy favored by Mr. Tilden, met the reproaches sure to be visited in such cases on the peacemaker. Nevertheless, he advocated the Electoral Commission as a method of settling the contest, and his speech in supporting it, without doubt one of the best as it was certainly the most important of his life, paved the way for the final adoption of the bill. It is no more than justice to say that the speech is worthy of the dignity of that great occasion.

Mr. Bayard inherited the equable temperament shown by his father and his grandfather. He was a warm-hearted man with a long memory for services done him, but he had a faculty of containing himself which few men exercise to the degree that he exercised it habitually, both in his public and private life. The habit was so strong, in fact, that he indulged only on rare occasions that emotion which is necessary for the highest success as an orator. The calmness of his thought shows itself in logic which, while it may invite confidence, does not compel admiration. When he is moved, however, the freedom of his utterances from exaggeration and from that tendency to rant which mars many orations makes such periods as those with which he closes his speech on the Electoral Bill models of expression for all who wish to realize the highest possibilities of cumulative force.

The son of one United States Senator, James A. Bayard, of Delaware, and the grandson of another, Mr. Bayard represented well the family tradition of integrity. Born in 1828, he succeeded to his father's place in the Senate when forty-one years of age, and remained in the public service until within a short time of his death. He was Secretary of State under the first Cleveland administration and ambassador

to England under the second. In the convention which nominated Mr. Cleveland in 1884, Mr. Bayard, who had been strongly supported for the Democratic presidential nomination in 1880, was so close to the presidency at the beginning of the balloting that his managers confidently expected his success. He became much attached to President Cleveland, and in 1896 he took a course on the financial issue then uppermost, which alienated many of his friends, as far as friends could be alienated by the political action of a man whose public and private life were so full of dignity, simplicity, and the qualities which result from habitual good faith. Mr. Bayard survived almost into the twentieth century as a last representative of the colonial gentlemen who debated the Federal Constitution. Supposed to be cold and unapproachable, he was really warm in his friendships, with a memory which never allowed an act of service done him to escape it. Few better men have had anything to do with the politics of the second half of the century. He died in 1898.

W. V. B.

A PLEA FOR CONCILIATION IN 1876

("Counting the Electoral Votes," United States Senate, January 24th, 1877)

MR. PRESIDENT, I might have been content as a friend of this measure to allow it to go before the Senate and the country unaccompanied by any remarks of mine had it not been the pleasure of the Senate to assign me as one of the minority in this Chamber to a place upon the select committee appointed for the purpose of reporting a bill intended to meet the exigencies of the hour in relation to the electoral votes. There is for every man in a matter of such gravity his own measure of responsibility, and that measure I desire to assume. Nothing less important than the decision, into whose hands the entire executive power of this government shall be vested in the next four years, is embraced in the provisions of this bill. The election for President and Vice-President has been held, but as to the results of that election the two great political parties of the country stand opposed in serious controversy. Each party claims success for its candidate and insists that he and he alone shall be declared by the two houses of Congress entitled to exercise the executive power of this government for the next four years. The canvass was prolonged and unprecedented in its

excitement and even bitterness. The period of advocacy of either candidate has passed, and the time for judgment has almost come. How shall we who purpose to make laws for others do better than to exhibit our own reverence for law and set the example here of subordination to the spirit of law?

It cannot be disguised that an issue has been sought, if not actually raised, in this country, between a settlement of this great question by sheer force and arbitrary exercise of power or by the peaceful, orderly, permanent methods of law and reason. Ours is, as we are wont to boast, a government of laws, and not of will; and we must not permit it to pass away from us by changing its nature.

> "O, yet a nobler task awaits thy hand,
> For what can war but endless war still breed?"

By this measure now before the Senate it is proposed to have a peaceful conquest over partisan animosity and lawless action, to procure a settlement grounded on reason and justice, and not upon force. Therefore, it is meant to lift this great question of determining who has been lawfully elected President and Vice-President of these United States out of the possibility of popular broils and tumult, and elevate it with all dignity to the higher atmosphere of legal and judicial decision. In such a spirit I desire to approach the consideration of the subject and shall seek to deal with it at least worthily, with a sense of public duty unobstructed, I trust, by prejudice or party animosity. The truth of Lord Bacon's aphorism that "great empire and little minds go ill together," should warn us now against the obtrusion of narrow or technical views in adjusting such a question and at such a time in our country's history.

Mr. President, from the very commencement of the attempt to form the government under which we live, the apportionment of power in the executive branch and the means of choosing the chief magistrate have been the subject of the greatest difficulty. Those who founded this government and preceded us in its control had felt the hand of kingly power, and it was from the abuse of executive power that they dreaded the worst results. Therefore it was that when the Constitution came to be framed that was the point upon which they met and upon which they parted, less able to agree than upon almost all others combined.

A glance at the history of the convention that met at Philadelphia on the fourteenth of May, 1787, but did not organize until the twenty-fifth day of the same month, will show that three days after the convention assembled two plans of a Constitution were presented, respectively, by Mr. Edmund Randolph, of Virginia, and Mr. Charles Pinckney, of South Carolina. The first proposed the election of the executive by the legislature, as the two houses were then termed, for a term of seven years, with ineligibility for re-election. The other proposed an election, but left the power to elect or the term of office in blank. Both of these features in the schemes proposed came up early for consideration, and, as I have said before, as the grave and able minds of that day approached this subject they were unable to agree, and accordingly, from time to time, the question was postponed and no advance whatever made in the settlement of the question. Indeed, so vital and wide was the difference that each attempt made during the course of the five months in which that convention was assembled only seemed to result in renewed failure. So it stood until the fourth day of September had arrived. The labors of the convention by that time had resulted in the framing of a Constitution, wise and good and fairly balanced, calculated to preserve power sufficient in the government, and yet leaving that individual freedom and liberty essential for the protection of the States and their citizens. Then it was that this question, so long postponed, came up for consideration and had to be decided. As it was decided then, it appears in the Constitution as submitted to the States in 1787; but an amendment of the second article was proposed in 1804, which, meeting the approval of the States, became part of the Constitution.

I must be pardoned if I repeat something of what has preceded in this debate, by way of citation from the Constitution of the United States, in order that we may find there our warrant for the present measure. There were difficulties of which these fathers of our government were thoroughly conscious. The very difficulties that surround the question to-day are suggested in the debates of 1800, in which the history of double returns is foretold by Mr. Pinckney in his objections to the measure then before the Senate. The very title of that act, "A Bill Prescribing a Mode of Deciding Disputed Elections of President and Vice-President of the United States," will show the difficulties which they then perceived and of which they felt the future was to be

so full. They made the attempt in 1800 to meet those difficulties. They did not succeed. Again and again the question came before them. In 1824 a second attempt was made at legislation. It met the approval of the Senate. It seemed to meet the approval of the Committee on the Judiciary of the House, by whom it was reported without amendment, but never was acted upon in that body, and failed to become a law. This all shows to us that there has been a postponement from generation to generation of a subject of great difficulty that we of to-day are called upon to meet under circumstances of peculiar and additional disadvantage; for while in the convention of 1787 there was a difference arising from interest, from all the infinite variances of prejudice and opinion upon subjects of local, geographical, and pecuniary interests, and making mutual concessions and patriotic considerations necessary at all times, yet they were spared the most dangerous of all feelings under which our country has suffered of late; for, amid all the perturbing causes to interfere with and distract their counsels, partisan animosity was at least unknown. There was in that day no such thing as political party in the United States:—

> "Then none were for a party,
> But all were for the State."

Political parties were formed afterward and have grown in strength since, and to-day the troubles that afflict our country chiefly may be said to arise from the dangerous excess of party feeling in our councils.

But I propose to refer to the condition of the law and the Constitution as we now find it. The second article of the first section of the Constitution provides for the vesting of the executive power in the President and also for the election of a Vice-President. First it provides that "each State" shall, through its legislature, appoint the number of electors to which it is entitled, which shall be the number of its Representatives in Congress and its Senators combined. The power there is to the State to appoint. The grant is as complete and perfect that the State shall have that power as is another clause of the Constitution giving to "each State" the power to be represented by the Senators in this branch of Congress. There is given to the electors prescribed duties, which I will read:—

The electors shall meet in their respective States and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each; which lists they shall sign and certify, and transmit sealed to the seat of government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted.

Then follows the duty and power of Congress in connection with this subject to determine the time of choosing the electors and the day on which they shall give their votes, which day shall be the same throughout the United States. The next clause provides for the qualifications of the candidates for the presidency and vice-presidency. The next clause gives power to the Congress of the United States to provide for filling the office of President and Vice-President in the event of the death, resignation, or inability of the incumbents to vest the powers and duties of the said office. The other clause empowers Congress thus to designate a temporary President. The other clauses simply relate to the compensation of the President and the oath he shall take to perform the duties of the office. Connected with that delegation of power is to be considered the eighth section of the first article which gives to the Congress of the United States power "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof."

It will be observed, so far, that the Constitution has provided the power but has not provided the regulations for carrying that power into effect. The Supreme Court of the United States sixty-odd years ago defined so well the character of that power and the method of its use that I will quote it from the first volume of Wheaton's Reports, page 326:—

Leaving it to the legislature from time to time to adopt its own means to effectuate, legitimate, and mold and model the exercise of its powers as its own wisdom and public interest should require.

In less than four years, in March 1792, after the first Congress had assembled there was legislation upon this subject, carrying into execution the power vested by this second article of the Constitution in a manner which will leave no doubt of what the men of that day believed was competent and proper. Here let me advert to that authority which must ever attach to the contemporaneous exposition of historical events. The men who sat in the Congress of 1792 had many of them been members of the convention that framed the Federal Constitution. All were its contemporaries and closely were they considering with master-minds the consequences of that work. Not only may we gather from the manner in which they treated this subject when they legislated upon it in 1792 what were their views of the powers of Congress on the subject of where the power was lodged and what was the proper measure of its exercise, but we can gather equally well from the inchoate and imperfect legislation of 1800 what those men also thought of their power over this subject, because, although differing as to details, there were certain conceded facts as to jurisdiction quite as emphatically expressed as if their propositions had been enacted into law. Likewise in 1824 the same instruction is afforded. If we find the Senate of the United States without division pass bills which, although not passed by the co-ordinate branch of Congress, are received by them and reported back from the proper committees after examination and without amendment to the committee of the whole House, we may learn with equal authority what was conceded by those houses as to the question of power over the subject. In a compilation made at the present session by order of the House Committee, co-ordinate with the Senate Committee, will be found at page 129 a debate containing expressions by the leading men of both parties in 1857 of the lawfulness of the exercise of the legislative power of Congress over this subject. I venture to read here from the remarks of Mr. Hunter, of Virginia, one of the most respected and conservative minds of his day in the Congress of the United States:—

The Constitution evidently contemplated a provision to be made by law to regulate the details and the mode of counting the votes for President and Vice-President of the United States. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be

counted. By whom, and how to be counted, the Constitution does not say. But Congress has power to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof. Congress, therefore, has the power to regulate by law the details of the mode in which the votes are to be counted. As yet, no such law has been found necessary. The cases, happily, have been rare in which difficulties have occurred in the count of the electoral votes. All difficulties of this sort have been managed heretofore by the consent of the two houses — a consent either implied at the time or declared by joint resolutions adopted by the houses on the recommendation of the joint committee which is usually raised to prescribe the mode in which the count is to be made. In the absence of law, the will of the two houses thus declared has prescribed the rule under which the President of the Senate and the tellers have acted. It was by this authority, as I understand it, that the President of the Senate acted yesterday. The joint resolution of the two houses prescribed the mode in which the tellers were to make the count and also required him to declare the result, which he did. It was under the authority, therefore, and by the direction of the two houses that he acted. The resolutions by which the authority was given were according to unbroken usage and established precedent.

Mr. President, the debate from which I have read took place in 1857 and was long and able, the question there arising upon the proposed rejection of the vote of the State of Wisconsin, because of the delay of a single day in the meeting of the electors. A violent snowstorm having prevented the election on the third of December, it was held on the fourth, which was clearly in violation of the law of Congress passed in pursuance of the Constitution requiring that the votes for the electors should be cast on the same day throughout the Union. That debate will disclose the fact that the danger then became more and more realized of leaving this question unsettled as to who should determine whether the electoral votes of a State should be received or rejected when the two houses of Congress should differ upon that subject. There was no arbiter between them. This new-fangled idea of the present hour, that the presiding officer of the Senate should decide that question between the two disagreeing houses, had not yet been discovered in the fertility of political invention, or born perhaps of party necessity. The question has challenged all along through our country's history

the ablest minds of the country; but at last we have reached a point when under increased difficulties we are bound to settle it. It arose in 1817 in the case of the State of Indiana, the question being whether Indiana was a State in the Union at the time of the casting of her vote. The two houses disagreed upon that subject; but by a joint resolution, which clearly assumed the power of controlling the subject, as the vote of Indiana did not if cast either way control the election, the difficulty was tided over by an arrangement for that time and that occasion only. In 1820 the case of the State of Missouri arose and contained the same question. There again came the difficulty when the genius and patriotism of Henry Clay were brought into requisition and a joint resolution introduced by him and adopted by both houses was productive of a satisfactory solution for the time being. The remedy was merely palliative; the permanent character of the difficulty was confessed and the fact that it was only a postponement to men of a future generation of a question still unsettled.

It is not necessary, and would be fatiguing to the Senate and to myself, to give anything like a sketch of the debate which followed, of the able and eminent men on both sides who considered the question, arriving, however, at one admitted conclusion, that the remedy was needed and that it did lie in the law-making power of the government to furnish it.

Thus, Mr. President, the unbroken line of precedent, the history of the usage of this government from 1789 at the first election of President and Vice-President until 1873, when the last count of electoral votes was made for the same offices, exhibits this fact, that the control of the count of the electoral votes, the ascertainment and declaration of the persons who were elected President and Vice-President, has been under the co-ordinate power of the two houses of Congress, and under no other power at any time or in any instance. The claim is now gravely made for the first time, in 1877, that in the event of disagreement of the two houses the power to count the electoral votes and decide upon their validity under the Constitution and law is vested in a single individual, an appointee of one of the houses of Congress, the presiding officer of the Senate. In the event of a disagreement between the two houses, we are now told, he is to assume the power, in his sole discretion, to count the vote, to ascertain and declare what persons have been elected; and this, too, in the face of an act of Congress, passed in 1792, unrepealed, always

recognized, followed in every election from the time it was passed until the present day. Section 5 of the act of 1792 declares:—

That Congress shall be in session on the second Wednesday in February 1793, and on the second Wednesday in February succeeding every meeting of the electors; and the said certificates, or so many of them as shall have been received, shall then be opened, the votes counted, and the persons who shall fill the offices of President and Vice-President ascertained and declared agreeably to the Constitution.

Let it be noted that the words "President of the Senate" nowhere occur in the section.

But we are now told that though "Congress shall be in session," that though these two great bodies duly organized, each with its presiding officer, accompanied by all its other officers, shall meet to perform the duty of ascertaining and declaring the true result of the action of the electoral colleges and what persons are entitled to these high executive offices, in case they shall not agree in their decisions there shall be interposed the power of the presiding officer of one of the houses to control the judgment of either and become the arbiter between them. Why, Mr. President, how such a claim can be supposed to rest upon authority is more than I can imagine. It is against all history. It is against the meaning of laws. It is not consistent with the language of the Constitution. It is in the clearest violation of the whole scheme of this popular government of ours, that one man should assume a power in regard to which the convention hung for months undecided, and carefully and grudgingly bestowing that power even when they finally disposed of it. Why, sir, a short review of history will clearly show how it was that the presiding officer of the Senate became even the custodian of the certificates of the electors.

On the fourth of September, 1787, when approaching the close of their labors, the convention discovered that they must remove this obstacle, and they must come to an agreement in regard to the deposit of this grave power. When they were scrupulously considering that no undue grant of power should be made to either branch of Congress, and when no one dreamed of putting it in the power of a single hand, the proposition was made by Hon. Mr. Brearly, from a committee of eleven, of alterations in

the former schemes of the convention, which embraced this subject. It provided: —

5. Each State shall appoint, in such manner as its legislature may direct, a number of electors equal to the whole number of Senators and Members of the House of Representatives to which the State may be entitled in the legislature.

6. The electors shall meet in their respective States and vote by ballot for two persons, one of whom at least shall not be an inhabitant of the same State with themselves; and they shall make a list of all the persons voted for, and of the number of votes for each, which list they shall sign and certify, and transmit sealed to the seat of the general government, directed to the President of the Senate.

7. The President of the Senate shall, in that house, open all the certificates; and the votes shall be then and there counted. The person having the greatest number of votes shall be the President, if such number shall be a majority of the whole number of the electors appointed; and if there be more than one who have such majority and have an equal number of votes, then the Senate shall choose by ballot one of them for President; but if no person have a majority, then from the five highest on the list the Senate shall choose by ballot the President. And in every case after the choice of the President the person having the greatest number of votes shall be Vice-President. But if there should remain two or more who shall equal votes, the Senate shall choose from them the Vice-President. (See 'Madison Papers,' page 506, etc.)

Here we discover the reason why the President of the Senate was made the custodian of these certificates. It was because in that plan of the Constitution the Senate was to count the votes alone; the House was not to be present; and in case there was a tie or failure to find a majority the Senate was to elect the President and Vice-President. The presiding officer of the body that was to count the votes alone, of the body that alone was to elect the President in default of a majority — the presiding officer of that body was naturally the proper person to hold the certificates until the Senate should do its duty. It might as well be said that because certificates and papers of various kinds are directed to the President of this Senate to be laid before the Senate that he should have the control to enact those propositions into law, as to say that because the certificates of these votes were handed to him he should have the right to count them and ascertain and declare what persons had been chosen President and Vice-President of the United States.

But the scheme reported by Mr. Brearly met with no favor. In the first place, it was moved and seconded to insert the words "in the presence of the Senate and House of Representatives" after the word "counted." That was passed in the affirmative. Next it was moved to strike out the words "the Senate shall immediately choose by ballot" and insert the words "and House of Representatives shall immediately choose by ballot one of them for President, and the members of each State shall have one vote," and this was adopted by ten States in the affirmative to one State in the negative.

Then came another motion to agree to the following paragraph, giving to the Senate the right to choose the Vice-President in case of the failure to find a majority, which was agreed to by the convention; so that the amendment as agreed to read as follows:—

The President of the Senate, in the presence of the Senate and House of Representatives, shall open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be President, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President, the representation from each State having one vote; but if no person have a majority, then from the five highest on the list the House of Representatives shall in like manner choose by ballot the President.

And then follows that if there should remain two candidates voted for as Vice-President having an equal vote the Senate shall choose from them the Vice-President. Mr. President, is it not clear that the Constitution directed that the certificates should be deposited with the presiding officer of that body which was alone to count the votes and elect both the President and Vice-President in case there was a failure to find a majority of the whole number of electors appointed? There is a maxim of the law, that where the reason ceases the law itself ceases. It is not only a maxim of common law, but equally of common sense. The history of the manner in which and the reason for which the certificates were forwarded to the President of the Senate completely explains why he was chosen as the depositary and just what connection he had with and power over those certificates. After the power had been vested in the House of

Representatives to ballot for the President, voting by States, after the presence of the House of Representatives was made equally necessary before the count could begin or proceed at all, the President of the Senate was still left as the officer designated to receive the votes. Why? Because the Senate is a continuing body, because the Senate always has a quorum. Divided into three classes, there never is a day or a time when a quorum of the Senate of the United States is not elected and cannot be summoned to perform its functions under the Constitution. Therefore you had the officer of a continuing body, and as the body over which he presided and by whom he is chosen was one of the two co-ordinate bodies to perform the great function of counting the votes and of ascertaining and declaring the result of the electoral vote, he was left in charge of the certificates.

You also find in the sixth section of the act of 1792 that Congress exercised its regulating power and declared "that in case there shall be no President of the Senate at the seat of government on the arrival of the persons intrusted with the lists of votes of the electors, then such persons shall deliver the lists of votes in their custody into the office of the Secretary of State to be safely kept and delivered over as soon as may be to the President of the Senate."

What does this signify? That it was a simple question of custody, of safe and convenient custody, and there is just as much reason to say that the Secretary of State being the recipient of those votes had a right to count them as to say that the other officer designated as the recipient of the votes, the President of the Senate, had a right to count them.

Now, here is another fact a denial of which cannot be safely challenged. Take the history of these debates upon the formation of the Federal Constitution from beginning to end, search them, and no line or word can be discovered that even suggests any power whatever in any one man over the subject, much less in the President of the Senate, in the control of the election of the President or the Vice-President. Why, sir, there is the invariable rule of construction in regard to which there can be no dispute, that the express grant of one thing excludes any other. Here you have the direction to the President of the Senate that he shall receive these certificates, or if absent that another custodian shall receive them, hold them during his absence, and pass them over to him as soon as may be, and that then he shall in

the presence of the two houses of Congress «open all the certificates.» There is his full measure of duty; it is clearly expressed; and then after that follows the totally distinct duty, not confided to him, that «the votes shall then be counted.»

I doubt very much whether any instrument not written by an inspired hand was more clear, terse, frugal of all words except those necessary to express its precise meaning, than the Constitution of the United States. It would require the greatest ingenuity to discover where fewer words could be used to accomplish a plain end. How shall it be that in this closely considered charter, where every word, every punctuation was carefully weighed and canvassed, they should employ seven words out of place when two words in place would have fulfilled their end? If it had been intended to give this officer the power to count, how easy to read, «The President of the Senate shall, in the presence of the Senate and House of Representatives, open and count the votes.» Why resort to this other, strained, awkward, ungrammatical, unreasonable transposition of additional words to grant one power distinctly and leave the other to be grafted upon it by an unjust implication? No, Mr. President, if it were a deed of bargain and sale, or any question of private grant, if it did not touch the rights of a great people, there would be but one construction given to this language, that the expression of one grant excluded the other. It was a single command to the President of the Senate that, as the custodian, he should honestly open those certificates and lay them before the two houses of Congress who were to act, and then his duty was done, and that was the belief of the men who sat in that convention, many of whom joined in framing the law of 1792 which directed Congress to be in session on a certain day and that the votes should be counted and the persons who should fill the office of President and Vice-President ascertained and declared agreeably to the Constitution.

The certificates are to be opened by their custodian, the President of the Senate, in the presence of the Senate and the House of Representatives. Let it be noted this is not in the presence of the Senators and Representatives, but it is in the presence of two organized bodies who cannot be present except as a Senate and as a House of Representatives, each with its own organization, its own presiding officer and all adjuncts, each organized for the performance of a great duty.

When the first drafts of the Constitution were made, instead of saying "in the presence of the Senate and the House of Representatives," they called it "the Legislature." What is a Legislature? A law-making body organized, not a mob, but an organized body to make laws; and so the law-making power of this Union, consisting of these two houses, is brought together. But it seems to me a most unreasonable proposition to withhold from the law-making power of this government the authority to regulate this subject and yet be willing to intrust it to a single hand. There is not a theory of this government that will support such a construction. It is contrary to the whole genius of the government; it is contrary to everything in the history of the formation of the government; it is contrary to the usage of the government since its foundation.

The President of the Senate is commanded by the Constitution to open the votes in the presence of the two houses. He does not summon them to witness his act, but they summon him by appointing a day and hour when he is to produce and open in their presence all the certificates he may have received, and only then and in their presence can he undertake to open them at all. If he was merely to summon them as witnesses of his act it would have been so stated. But when did the President of the Senate ever undertake to call the two houses together to witness the opening and counting of the votes? No, sir; he is called at their will and pleasure to bring with him the certificates which he has received, and open them before them and under their inspection, and not his own. When the certificates have been opened, when the votes have been counted, can the President of the Senate declare the result? No, sir, he has never declared a result except as the mouthpiece and the organ of the two houses authorizing and directing him what to declare, and what he did declare was what they had ascertained and in which ascertainment he had never interfered by word or act.

Suppose there shall be an interruption in the count, as has occurred in our history, can the President of the Senate do it? Did he ever do it? Is such an instance to be found? Every interruption in the count comes from some Member of the House or of the Senate, and upon that the pleasure of the two houses is considered, the question put to them to withdraw if they desire, and the count is arrested until they shall order it to recommence. The proceeding in the count, the commencement of the

count is not in any degree under his control. It is and ever was in the two houses, and in them alone. They are not powerless spectators; they do not sit "state statues only," but they are met as a legislature in organized bodies to insure a correct result of the popular election, to see to it that "the votes shall then be counted" agreeably to the Constitution.

In 1792 when some of the men who sat in the convention that framed the Constitution enacted into law the powers given in relation to the count of the electoral votes, they said, as I have read, that the certificates then received shall be opened and the votes counted, "and the persons to fill the offices of President and Vice-President ascertained agreeably to the Constitution," and that direction is contained in the same section of the law that commands Congress to be in session on that day. It is the law-making power of the nation, the legislature, that is to perform this solemn and important duty, and not a single person who is selected by one branch of Congress and who is removable at their will, according to a late decision of the Senate.

Yes, Mr. President, the power contended for by some Senators, that the President of the Senate can, in the contingency of a disagreement between the two houses, from the necessity of the case, open and count the vote, leads to this: that upon every disputed vote and upon every decision a new President of the Senate could be elected; that one man could be selected in the present case to count the vote of Florida; another, of South Carolina; another, of Oregon; another, of Louisiana; and the Senate could fill those four offices with four different men, each chosen for that purpose, and when that purpose was over to be displaced by the same breath that set them up for the time being.

Now, sir, if, as has been claimed, the power of counting the votes is deposited equally in both houses, does not this admission exclude the idea of any power to count the votes being deposited in the presiding officer of one of those houses, who is, as I say, eligible and removable by a bare majority of the Senate, and at will? If the presiding officer of the Senate can thus count the vote, the Senate can control him. Then the Senate can control the count and, the Senate appointing their President, become the sole controllers of the vote in case of disagreement. What then becomes of the equal measure of power in the two houses over this subject? If the power may be said to exist only in case of disagreement, and then *ex necessitate rei*, all that remains for the

Senate is to disagree, and they themselves have created the very contingency that gives them the power, through their President, to have the vote counted or not counted, as they may desire. Why, sir, such a statement destroys all idea of equality of power between the two houses in regard to this subject.

When the President of the Senate has opened the certificates and handed them over to the tellers of the two houses, in the presence of the two houses, his functions and powers have ended. He cannot repossess himself of those certificates or papers. He can no longer control their custody. They are then and thereafter in the possession and under the control of the two houses, who shall alone dispose of them.

Why, sir, what a spectacle would it be, some ambitious and unscrupulous man the presiding officer of the Senate, as was once Aaron Burr, assuming the power to order the tellers to count the vote of this State and reject the vote of that, and so boldly and shamelessly reverse the action of the people expressed at the polls, and step into the presidency by force of his own decision. Sir, this is a reduction of the thing to an absurdity never dreamed of until now, and impossible while this shall remain a free government of law.

Now, Mr. President, as to the measure before us a few words.

It will be observed that this bill is enacted for the present year, and no longer.

This is no answer to an alleged want of constitutional power to pass it, but it is an answer in great degree where the mere policy and temporary convenience of the act are to be considered.

In the first place, the bill gives to each house of Congress equal power over the question of counting, at every stage.

It preserves intact the prerogatives, under the Constitution, of each house.

It excludes any possibility of judicial determination by the presiding officer of the Senate upon the reception and exclusion of a vote.

The certificates of the electoral colleges will be placed in the possession and subject to the disposition of both houses of Congress in joint session.

The two houses are co-ordinate and separate and distinct. Neither can dominate the other. They are to ascertain whether the electors have been validly appointed, and whether they have validly performed their duties as electors. The two houses must,

under the act of 1792, "ascertain and declare" whether there has been a valid election, according to the Constitution and laws of the United States. The votes of the electors and the declaration of the result by the two houses give a valid title, and nothing else can, unless no majority has been disclosed by the count; in which case the duty of the House is to be performed by electing a President, and of the Senate by electing a Vice-President.

If it be the duty of the two houses "to ascertain" whether the action of the electors has been in accordance with the Constitution, they must inquire. They exercise supervisory power over every branch of public administration and over the electors. The methods they choose to employ in coming to a decision are such as the two houses, acting separately or together, may lawfully employ. Sir, the grant of power to the commission is in just that measure, no more and no less. The decision they render can be overruled by the concurrent votes of the two houses. Is it not competent for the two houses of Congress to agree that a concurrent majority of the two houses is necessary to reject the electoral vote of a State? If so, may they not adopt means which they believe will tend to produce a concurrence? Finally, sir, this bill secures the great object for which the two houses were brought together: the counting of the votes of the electoral college; not to elect a President by the two houses, but to determine who has been elected agreeably to the Constitution and the laws. It provides against the failure to count the electoral vote of a State in event of disagreement between the two houses, in case of single returns, and, in cases of contest and double returns, furnishes a tribunal whose composition secures a decision of the question in disagreement, and whose perfect justice and impartiality cannot be gainsaid or doubted.

The tribunal is carved out of the body of the Senate and out of the body of the House by their vote *viva voce*. No man can sit upon it from either branch without the choice, openly made, by a majority of the body of which he is a member, that he shall go there. The five judges who are chosen are from the court of last resort in this country, men eminent for learning, selected for their places because of the virtues and the capacities that fit them for this high station. . . . Mr. President, objection has been made to the employment of the commission at all, to the creation of this committee of five senators, five representatives, and five judges of the Supreme Court, and the reasons for the

objection have not been distinctly stated. The reasons for the appointment I will dwell upon briefly.

Sir, how has the count of the vote of every President and Vice-President, from the time of George Washington and John Adams, in 1789, to the present day, been made? Always and without exception by tellers appointed by the two houses. This is without exception, even in the much commented case of Mr. John Langdon, who, before the government was in operation, upon the recommendation of the constitutional convention, was appointed by the Senate its President, for the sole purpose of opening and counting these votes. He did it, as did every successor to him, under the motion and authority of the two houses of Congress, who appointed their own agents, called tellers to conduct the count, and whose count, being reported to him, was by him declared.

From 1793 to 1865 the count of votes was conducted under concurrent resolutions of the two houses, appointing their respective committees to join "in ascertaining and reporting a mode of examining the votes for President and Vice-President."

The respective committees reported resolutions fixing the time and place for the assembling of the two houses, and appointing tellers to conduct the examination on the part of each house respectively.

Mr. President, the office of teller, or the word "teller," is unknown to the Constitution, and yet each house has appointed tellers, and has acted upon their report, as I have said, from the very foundation of the government. The present commission is more elaborate, but its objects and its purposes are the same, the information and instruction of the two houses who have a precisely equal share in its creation and organization; they are the instrumentalities of the two houses for performing the high constitutional duty of ascertaining whom the electors in the several States have duly chosen President and Vice-President of the United States. Whatever is the jurisdiction and power of the two houses of Congress over the votes, and the judgment of either reception or rejection, is by this law wholly conferred upon this commission of fifteen. The bill presented does not define what that jurisdiction and power is, but it leaves it all as it is, adding nothing, subtracting nothing. Just what power the Senate by itself, or the House by itself, or the Senate and the House acting together, have over the subject of counting, admitting, or

rejecting an electoral vote, in case of double returns from the same State, that power is by this act, no more and no less, vested in the commission of fifteen men; reserving, however, to the two houses the power of overruling the decision of the commission by their concurrent action.

The delegation to masters in chancery of the consideration and adjustments of questions of mingled law and fact is a matter of familiar and daily occurrence in the courts of the States and of the United States.

The circuit court of the United States is composed of the district judge and the circuit judge, and the report to them of a master is affirmed unless both judges concur in overruling it.

Under the present bill the decision of the commission will stand unless overruled by the concurrent votes of the two houses.

I do not propose to follow the example which has been set here in the Senate by some of the advocates as well as the opponents of this measure, and discuss what construction is to be given and what definition may be applied or ought to be applied in the exercise of this power by the commission under this law. Let me read the bill: —

All the certificates and papers purporting to be certificates of the electoral votes of each State shall be opened, in the alphabetical order of the States, as provided in Section 1 of this act; and when there shall be more than one such certificate or paper, as the certificates and papers from such State shall so be opened (excepting duplicates of the same return), they shall be read by the tellers, and thereupon the President of the Senate shall call for objections, if any. Every objection shall be made in writing, and shall state clearly and concisely, and without argument, the ground thereof, and shall be signed by at least one Senator and one Member of the House of Representatives before the same shall be received. When all such objections so made to any certificate, vote, or paper from a State shall have been received and read, all such certificates, votes, and papers so objected to, and all papers accompanying the same, together with such objections, shall be forthwith submitted to said commission, which shall proceed to consider the same, with the same powers, if any, now possessed for that purpose by the two houses acting separately or together, and, by a majority of votes, decide whether any and what votes from such States are the votes provided for by the Constitution of the United States, and how many and what persons were duly appointed electors in such State, and may therein take into view such petitions, depositions, and other papers, if any,

as shall, by the Constitution and now existing law, be competent and pertinent in such consideration; which decision shall be made in writing.

It will be observed that all the questions to be decided by this commission are to be contained in the written objections. Until those objections are read and filed, their contents must be unknown, and the issues raised by them undescribed. But whatever they are, they are submitted to the decision of the commission. The duty of interpreting this law and of giving a construction to the Constitution and existing laws is vested in the commission; and I hold that we have no right or power to control in advance, by our construction, their sworn judgment as to the matters which they are to decide. We would defeat the very object of the bill should we invade the essential power of judgment of this commission and establish a construction in advance and bind them to it. It would, in effect, be giving to them a mere mock power to decide by leaving them nothing to decide.

. . . . . .

Mr. President, there are certainly very good reasons why the concurrent action of both houses should be necessary to reject a vote. It is that feature of this bill which has my heartiest concurrence; for I will frankly say that the difficulties which have oppressed me most in considering this question a year or more ago, before any method had been devised, arose from my apprehensions of the continued absorption of undue power over the affairs of the States; and I here declare that the power and the sole power of appointing the electors is in the State, and nowhere else. The power of ascertaining whether the State has executed that power justly and according to the Constitution and laws is the duty which is cast upon the two houses of Congress. Now, if, under the guise or pretext of judging of the regularity of the action of a State or its electors, the Congress or either house may interpose the will of its members in opposition to the will of the State, the act will be one of usurpation and wrong, although I do not see where is the tribunal to arrest and punish it except the great tribunal of an honest public opinion. But, sir, that tribunal, though great, though in the end certain, is yet ofttimes slow to be awakened to action; and therefore I rejoice when the two houses agree that neither of them shall be able to reject the vote of a State which is without contest arising within that

State itself, but that the action of both shall be necessary to concur in the rejection.

If either house may reject, or by dissenting cause a rejection, then it is in the power of either house to overthrow the electoral colleges or the popular vote, and throw the election upon the House of Representatives. This, it is clear to me, cannot be lawfully done unless no candidate has received a majority of the votes of all the electors appointed. The sworn duty is to ascertain what persons have been chosen by the electors, and not to elect by Congress.

It may be said that the Senate would not be apt to throw the election into the House. Not so, Mr. President; look at the relative majorities of the two houses of Congress as they will be after the fourth of March next. It is true there will be a numerical majority of the members of the Democratic party in the House of Representatives, but the States represented will have a majority as States of the Republican party. If the choice were to be made after March 4th, then a Republican Senate, by rejecting or refusing to count votes, could of its own motion throw the election into the House; which, voting by States, would be in political accord with the Senate. The House of Representatives, like the present House in its political complexion, composed of a numerical majority, and having also a majority of the States of the same party, would have the power then to draw the election into its own hands. Mr. President, either of these powers would be utterly dangerous and in defeat of the object and intent of the constitutional provisions on this subject.

Sir, this was my chief objection to the twenty-second joint rule. Under that rule either house of Congress, without debate, without law, without reason, without justice, could, by the sheer exercise of its will or its caprice, disfranchise any State in the electoral college. Under that rule we lived and held three presidential elections.

In January 1873, under a resolution introduced by the honorable Senator from Ohio [Mr. Sherman] and adopted by the Senate, the Committee on Privileges and Elections, presided over by the honorable Senator from Indiana [Mr Morton], proceeded to investigate the elections held in the States of Louisiana and Arkansas, and inquired whether these elections had been held in accordance with the Constitution and laws of the United States and the laws of said States, and sent for persons and papers and

made thorough investigation, which resulted in excluding the electoral votes of Louisiana from the count. (See Report No. 417, third session Forty-Second Congress.)

The popular vote was then cast, and it was cast at the mercy of a majority in either branch of Congress, who claimed the right to annul it by casting out States until they should throw the election into a Republican House of Representatives. I saw that dangerous power then, and, because I saw it then, am I so blind, am I so without principle in my action, that I should ask for myself a dangerous power that I refused to those who differ from me in opinion? God forbid.

This concurrence of the two houses to reject the electoral votes of a State was the great feature that John Marshall sought for in 1800. The Senate then proposed that either house should have power to reject a vote. The House of Representatives, under the lead of John Marshall, declared that they should concur to reject the vote, and upon that difference of opinion the measure fell and was never revived. In 1824 the bill prepared by Mr. Van Buren contained the same wholesome principle and provided that the two houses must concur in the rejection of a vote. Mr. Van Buren reported this bill in 1824. It was amended and passed, and, as far as I can find from the record, without a division of the Senate. It was referred in the House of Representatives to the Committee on the Judiciary, and it was reported back by Mr. Daniel Webster, without amendment, to the Committee of the Whole House, showing their approval of the bill; and that principle is thoroughly incorporated in the present measure and gives to me one of the strong reasons for my approval.

Mr. President, this bill is not the product of any one man's mind, but it is the result of careful study and frequent amendment. Mutual concessions, modifications of individual preferences, were constantly and necessarily made in the course of framing such a measure as it now stands. My individual opinions might lead me to object to the employment of the judicial branch at all, of ingrafting even to any extent political power upon the judicial branch or its members, or confiding to them any question even quasi-political in its character To this I have expressed and still have disinclination, but my sense of the general value of this measure and the necessity for the adoption of a plan outweighed my disposition to insist upon my own preferences as to this feature. At first I was disposed to question the

constitutional power to call in the five justices of the Supreme Court, but the duty of ascertaining what are the votes, the true votes, under the Constitution, having been imposed upon the commission, the methods were necessarily discretionary with the two houses. Any and every aid that intelligence and skill combined can furnish may be justly used when it is appropriate to the end in view.

Why, sir, the members of the Supreme Court have in the history of this country been employed in public service entirely distinct from judicial function. Here lately the treaty of Washington was negotiated by a member of the Supreme Court of the United States; the venerable and learned Mr. Justice Nelson, of New York, was nominated by the President and confirmed by the Senate as one of the Joint High Commission. Chief-Justice Jay was sent in 1794, while he was chief-justice of the United States, as minister plenipotentiary to England, and negotiated a treaty of permanent value and importance to both countries. He was holding court in the city of Philadelphia at the time that he was nominated and confirmed, as is found by reference to his biography, and —

> Without vacating his seat upon the bench he went to England, negotiated the treaty which has since borne his name, and returned to this country in the spring of the following year.

His successor was Chief-Justice Rutledge, and the next to him was Chief-Justice Oliver Ellsworth. He, while holding the high place of chief-justice, was nominated and confirmed as minister plenipotentiary to Spain. By a law of Congress the chief-justice of the United States is *ex officio* the president of the Board of Regents of the Smithsonian Institution.

Mr. Morton — I should like to ask the Senator, if it does not interrupt him, whether he regards the five judges acting on this commission as acting in their character as judges of the Supreme Court, if that is their official character, and that this bill simply enlarges their jurisdiction in that respect?

Mr. Bayard — Certainly not, Mr. President. They are not acting as judges of the Supreme Court, and their powers and their jurisdiction as judges of the Supreme Court are not in any degree involved; they are simply performing functions under the government not inconsistent, by the Constitution, or the law, or the policy of the law, with the stations which they now hold. So I

hold that the employment of one or more of the Supreme Court judges in the matter under discussion was appropriate legislation. We have early and high authority in the majorities in both House and Senate in the bill of 1800, in both of which houses a bill was passed creating a commission similar to that proposed by this bill and calling in the chief-justice of the United States as the chairman of the grand committee, as they called it then, a commission as we term it now.

As has been said before, many of the Senators and members of the Congress of 1800 had taken part in the convention that framed the Constitution, and all were its contemporaries, and one of the chief actors in the proceedings on the part of the House of Representatives was John Marshall, of Virginia, who one year afterward became the chief-justice of the United States, whose judicial interpretations have since that time clad the skeleton of the Constitution with muscles of robust power. Is it not safe to abide by such examples? And I could name many more, and some to whom my respect is due for other and personal reasons.

In the debate of 1817, in the case of the disputed vote of Indiana; in 1820, in the case of Missouri; and again in 1857, in the case of Wisconsin, I find an array of constitutional lawyers who took part in those debates, among them the most distinguished members of both political parties, concurring in the opinion that by appropriate legislation all causes of dispute on this all-important matter of counting the electoral vote could be and ought to be adjusted satisfactorily. Why, sir, even the *dictum* of Chancellor Kent, that has been read here with so much apparent confidence by the honorable Senator from Indiana, is itself expressed to be his opinion of the law "in the absence of legislation on the subject."

Mr. President, there were other objections to this bill; one by the honorable Senator from Indiana. He denounced it as "a compromise." I have gone over its features and I have failed to discover, nor has the fact yet been stated in my hearing, wherein anything is compromised. What power of the Senate is relinquished? What power of the House is relinquished? What power that both should possess is withheld? I do not know where the compromise can be, what principle is surrendered. This bill intends to compromise nothing in the way of principle, to compromise no right, but to provide an honest adjudication for the rights of all. Where is it unjust? Whose rights are

endangered by it? Who can foretell the judgment of this commission upon any question of law or fact? Sir, there is no compromise in any sense of the word, but there is a blending of feeling, a blending of opinions in favor of right and justice.

But, sir, if it were a compromise, what is there in compromise that is discreditable either to men or to nations? This very charter of government under which we live was created in a spirit of compromise and mutual concession. Without that spirit it never would have been made, and without a continuance of that spirit it will not be prolonged. Sir, when the Committee on Style and Revision of the Federal convention of 1787 had prepared a digest of their plan, they reported a letter to accompany the plan to Congress, from which I take these words as being most applicable to the bill under consideration:—

> And thus the Constitution which we now present is the result of a spirit of amity and of that mutual deference and concession which the peculiarity of our political situation rendered indispensable.

The language of that letter may well be applied to the present measure; and had the words been recalled to my memory before the report was framed I cannot doubt that they would have been adopted as part of it to be sent here to the Senate as descriptive of the spirit and of the object with which the committee had acted.

But, sir, the honorable Senator also stated, as a matter deterring us from our proper action on this bill, that the shadow of intimidation had entered the halls of Congress, and that members of this committee had joined in this report and presented this bill under actual fear of personal violence. Such a statement seems to me almost incredible. I may not read other men's hearts and know what they have felt, nor can I measure the apprehension of personal danger felt by the honorable Senator. It seems to me incredible. Fear, if I had it, had been the fear of doing wrong in this great juncture of public affairs, not the fear of the consequences of doing right. Had there been this intimidation tenfold repeated to which the Senator has alluded, and of which I have no knowledge, I should have scorned myself had I hesitated one moment in my onward march of duty on this subject.

"Hate's yell, or envy's hiss, or folly's bray"—

what are they to a man who, in the face of events such as now confront us, is doing that which his conscience dictates to him to do? It has been more than one hundred years since a great judgment was delivered in Westminster Hall in England by one of the great judges of our English-speaking people. Lord Mansfield, when delivering judgment in the case of the King against John Wilkes, was assailed by threats of popular violence of every description, and he has placed upon record how such threats should be met by any public man who sees before him the clear star of duty and trims his bark only that he may follow it through darkness and through light. I will ask my friend from Missouri if he will do me the favor to read the extract to which I have alluded.

Mr. Cockrell read as follows:—

But here, let me pause.

It is fit to take some notice of the various terrors hung out; the numerous crowds which have attended and now attend in and about the hall, out of all reach of hearing what passes in court, and the tumults which, in other places, have shamefully insulted all order and government. Audacious addresses in print dictate to us from those they call the people, the judgment to be given now and afterward upon the conviction. Reasons of policy are urged from danger to the kingdom by commotion and general confusion.

Give me leave to take the opportunity of this great and respectable audience to let the whole world know all such attempts are vain.

I pass over many anonymous letters I have received. Those in print are public; and some of them have been brought judicially before the court. Whoever the writers are, they take the wrong way. I will do my duty, unawed. What am I to fear? That *mendax infamia* from the press, which daily coins false facts and false motives? The lies of calumny carry no terror to me. I trust that my temper of mind, and the color and conduct of my life, have given me a suit of armor against these arrows. If, during this king's reign, I have ever supported his government, and assisted his measures, I have done it without any other reward than the consciousness of doing what I thought right. If I have ever opposed, I have done it upon the points themselves, without mixing in party or faction, and without any collateral views. I honor the king, and respect the people; but many things acquired by force of either, are, in my account, objects not worth ambition. I wish popularity; but it is that popularity which follows, not that which is run after. It is that popularity

which, sooner or later, never fails to do justice to the pursuit of noble ends by noble means. I will not do that which my conscience tells me is wrong upon this occasion to gain the huzzas of thousands, or the daily praise of all the papers which come from the press; I will not avoid doing what I think is right, though it should draw on me the whole artillery of libel, all that falsehood and malice can invent or the credulity of a deluded populace can swallow. I can say, with a great magistrate, upon an occasion and under circumstances not unlike, "*Ego hoc animo semper fui, ut invidiam virtute partam gloriam, non invidiam putarem.*"

The threats go further than abuse; personal violence is denounced. I do not believe it; it is not the genius of the worst men of this country in the worst of times. But I have set my mind at rest. The last end that can happen to any man never comes too soon, if he falls in support of the law and liberty of his country (for liberty is synonymous to law and government). Such a shock, too, might be productive of public good; it might awake the better part of the kingdom out of that lethargy which seems to have benumbed them; and bring the mad part back to their senses, as men intoxicated are sometimes stunned into sobriety.—Burrows's Reports No. 4, pp. 2561–3.

Mr. Bayard—Mr. President, in the course of my duty here as a representative of the rights of others, as a chosen and sworn public servant, I feel that I have no right to give my individual wishes, prejudices, interests, undue influence over my public action. To do so would be to commit a breach of trust in the powers confided to me. It is true I was chosen a Senator by a majority only, but not for a majority only. I was chosen by a party, but not for a party. I represent all the good people of the State which has sent me here. In my office as a Senator I recognize no claim upon my action in the name and for the sake of party. The oath I have taken is to support the Constitution of my country's government, not the fiat of any political organization, even could its will be ascertained. In sessions preceding the present I have adverted to the difficulty attending the settlement of this great question, and have urgently besought action in advance at a time when the measure adopted could not serve to predicate its results to either party. My failure then gave me great uneasiness, and filled me with anxiety; and yet I can now comprehend the wisdom concealed in my disappointment, for in the very emergency of this hour, in the shadow of the danger that has drawn so nigh to us, has been begotten in the hearts of

American Senators and Representatives and the American people a spirit worthy of the occasion — born to meet these difficulties, to cope with them, and, God willing, to conquer them.

Animated by this spirit the partisan is enlarged into the patriot. Before it the lines of party sink into hazy obscurity; and the horizon which bounds our view reaches on every side to the uttermost verge of the great Republic. It is a spirit that exalts humanity, and imbued with it the souls of men soar into the pure air of unselfish devotion to the public welfare. It lighted with a smile the cheek of Curtius as he rode into the gulf; it guided the hand of Aristides as he sadly wrote upon the shell the sentence of his own banishment; it dwelt in the frozen earthworks of Valley Forge; and from time to time it has been an inmate of these halls of legislation. I believe it is here to-day, and that the present measure was born under its influence.

LORD BEACONSFIELD.

After a Portrait from Life.

LORD BEACONSFIELD

(BENJAMIN DISRAELI)

(1804–1881)

WHEN, at the age of thirty-three, Benjamin Disraeli entered the House of Commons, he was flushed with his first literary successes and inclined perhaps to take parliamentary popularity by storm. It was the first year of Victoria's reign (1837) and the fashions of the times allowed great latitude for the display of idiosyncracies in dress. It seems that Disraeli pushed this advantage to the point of license. We hear much of the amount of jewelry he wore and of the gaudiness of his waistcoats. This may or may not have had a deciding influence in determining the character of his reception by the house, but at any rate it was a tempestuous one. He was repeatedly interrupted, and when he attempted to proceed the uproar of cries and laughter finally overpowered him and he abandoned for the time being the attempt to speak — not, however, until he had served on the house due notice of his great future, expressed in the memorable words — thundered, we are told, at the top of his voice, and audible still in English history — "You *shall* hear me!"

Not ten years later, the young man with the gaudy waistcoats had become the leading Conservative orator of the campaign against the Liberals on their Corn Law policy and so great was the impression produced by his speeches that in 1852, when the Derby ministry was formed, he was made Chancellor of the Exchequer.

The secret of his success is the thorough-going way in which he identified himself with the English aristocracy. Where others had apologized for aristocracy as a method of government, he justified. Instead of excusing and avoiding, he assumed that a government of privilege rather than that based on rights or the assumption of their existence is the best possible government, the only natural one, the only one capable of perpetuating itself without constant and violent changes. Kept on the defensive by the forward movement of the people, as well as by the tendency towards Liberalism or Radicalism shown by the men of highest education among the aristocratic classes themselves, the English Conservatives were delighted to find a man

of great ability and striking eloquence, who seemed to have a religious conviction that "Toryism" was the only means of saving society and ensuring progress. It is characteristic of his mind and his methods, that he does not shrink from calling himself a Tory. He is as proud of bearing that reproach as Camille Desmoulins was of being called a Sansculotte. When a man is thus "for thorough," he becomes representative of all who have his aspirations or share his tendencies without his aggressiveness. No doubt Disraeli's speeches are the best embodiment of Tory principle, the most attractive presentation of aristocratic purposes in government made in the nineteenth century. No member of the English peerage to the "manner born" has approached him in this respect. It is not a question of whether others have equaled or exceeded him in ability or statesmanship. On that point there may be room for difference of opinion, but to read any one of his great speeches is to see at once that he has the infinite advantage of the rest in being the strenuous and faith-inspired champion of aristocracy and government by privilege — not the mere defender and apologist for it.

In the extent of his information, the energy and versatility of his intellect, and the boldness of his methods, he had no equal among the Conservative leaders of the Victorian reign. His audacity was well illustrated when, after the great struggle over the reform measures of 1866 which he opposed, the Conservatives succeeded to power, and he, as their representative, advanced a measure "more sweeping in its nature as a reform bill than that he had successfully opposed" when it was advocated by Gladstone. In foreign affairs, he showed the same boldness, working to check the Liberal advance at home by directing public attention away from domestic grievances to brilliant achievements abroad. This policy which his opponents resented the more bitterly because they saw it to be the only one by which they could be held in check, won him the title of "Jingo," and made him the leading representative of British imperialism abroad as he was of English aristocracy at home.

THE ASSASSINATION OF LINCOLN

(From a Speech in Parliament, 1865)

THERE are rare instances when the sympathy of a nation approaches those tenderer feelings which are generally supposed to be peculiar to the individual and to be the happy privilege of private life; and this is one. Under any circumstances we should have bewailed the catastrophe at Washington; under any circumstances we should have shuddered at the means by which it was accomplished. But in the character of the victim, and even in the accessories of his last moments, there is something so homely and innocent that it takes the question, as it were, out of all the pomp of history and the ceremonial of diplomacy,—it touches the heart of nations and appeals to the domestic sentiment of mankind. Whatever the various and varying opinions in this house, and in the country generally, on the policy of the late President of the United States, all must agree that in one of the severest trials which ever tested the moral qualities of man he fulfilled his duty with simplicity and strength. Nor is it possible for the people of England at such a moment to forget that he sprang from the same fatherland and spoke the same mother tongue. When such crimes are perpetrated the public mind is apt to fall into gloom and perplexity, for it is ignorant alike of the causes and the consequences of such deeds. But it is one of our duties to reassure them under unreasoning panic and despondency. Assassination has never changed the history of the world. I will not refer to the remote past, though an accident has made the most memorable instance of antiquity at this moment fresh in the minds and memory of all around me. But even the costly sacrifice of a Cæsar did not propitiate the inexorable destiny of his country. If we look to modern times, to times at least with the feelings of which we are familiar, and the people of which were animated and influenced by the same interests as ourselves, the violent deaths of two heroic men, Henry IV. of France and the Prince of Orange, are conspicuous illustrations of this truth. In expressing our unaffected and profound sympathy with the citizens of the United States on this untimely end of their elected chief, let us not, therefore, sanction any feeling of depression, but rather let us express a fervent hope that from out of the awful trials of the last four

years, of which the least is not this violent demise, the various populations of North America may issue elevated and chastened, rich with the accumulated wisdom and strong in the disciplined energy which a young nation can only acquire in a protracted and perilous struggle. Then they will be enabled not merely to renew their career of power and prosperity, but they will renew it to contribute to the general happiness of mankind. It is with these feelings that I second the address to the crown.

AGAINST DEMOCRACY FOR ENGLAND

(Delivered in 1865)

SIR, I could have wished, and once I almost believed, that it was not necessary for me to take part in this debate. I look on this discussion as the natural epilogue of the Parliament of 1859; we remember the prologue. I consider this to be a controversy between the educated section of the Liberal party and that section of the Liberal party, according to their companions and colleagues, not entitled to an epithet so euphuistic and complimentary. But after the speech of the minister, I hardly think it would become me, representing the opinions of the gentlemen with whom I am acting on this side of the house, entirely to be silent. We have a measure before us to-night which is to increase the franchise in boroughs. Without reference to any other circumstances I object to that measure. I object to it because an increase of the franchise in boroughs is a proposal to redistribute political power in the country. I do not think political power in the country ought to be treated partially; from the very nature of things it is impossible, if there is to be a redistribution of political power, that you can only regard the suffrage as it affects one section of the constituent body. Whatever the proposition of the honorable gentleman, whether abstractedly it may be expedient or not, this is quite clear, that it must be considered not only in relation to the particular persons with whom it will deal, but to other persons with whom it does not deal, though it would affect them. And therefore it has always been quite clear that if you deal with the subject popularly called Parliamentary Reform, you must deal with it comprehensively. The arrangements you may make with reference to one part of

the community may not be objectionable in themselves, but may be extremely objectionable if you consider them with reference to other parts. Consequently it has been held — and the more we consider the subject the more true and just appears to be the conclusion — that if you deal with the matter you must deal with it comprehensively. You must not only consider borough constituencies, you must consider county constituencies: and when persons rise up and urge their claims to be introduced into the constituent body, even if you think there is a plausible claim substantiated on their part, you are bound in policy and justice to consider also the claims of other bodies not in possession of the franchise, but whose right to consideration may be equally great. And so clear is it when you come to the distribution of power that you must consider the subject in all its bearings, that even honorable gentlemen who have taken part in this debate have not been able to avoid the question of what they call the redistribution of seats — a very important part of the distribution of power. It is easy for the honorable member for Liskeard, for example, to rise and say, in supporting this measure for the increase of the borough franchise, that it is impossible any longer to conceal the anomalies of our system in regard to the distribution of seats. "Is it not monstrous," he asks, "that Calne, with 173 voters, should return a member, while Glasgow returns only two, with a constituency of 20,000?" Well, it may be equally monstrous that Liskeard should return one member, and that Birkenhead should only make a similar return. The distribution of seats, as any one must know who has ever considered the subject deeply and with a sense of responsibility towards the country, is one of the most profound and difficult questions that can be brought before the house. It is all very well to treat it in an easy, offhand manner; but how are you to reconcile the case of North Cheshire, of North Durham, of West Kent, and many other counties, where you find four or six great towns, with a population, perhaps, of 100,000, returning six members to this house, while the rest of the population of the county, though equal in amount, returns only two members? How are you to meet the case of the representation of South Lancashire in reference to its boroughs? Why, those are more anomalous than the case of Calne.

Then there is the question of Scotland. With a population hardly equal to that of the metropolis, and with wealth greatly

inferior — probably not more than two-thirds of the amount — Scotland yet possesses forty-eight members, while the metropolis has only twenty. Do you Reformers mean to say that you are prepared to disfranchise Scotland; or that you are going to develop the representation of the metropolis in proportion to its population and property; and so allow a country like England, so devoted to local government and so influenced by local feeling, to be governed by London? And, therefore, when those speeches are made which gain a cheer for the moment, and are supposed to be so unanswerable as arguments in favor of parliamentary change, I would recommend the house to recollect that this, as a question, is one of the most difficult and one of the deepest that can possibly engage the attention of the country. The fact is this — in the representation of this country you do not depend on population or on property merely, or on both conjoined; you have to see that there is something besides population and property — you have to take care that the country itself is represented. That is one reason why I am opposed to the second reading of the bill. There is another objection which I have to this bill brought forward by the honorable member for Leeds, and that is, that it is brought forward by the member for Leeds. I do not consider this a subject which ought to be intrusted to the care and guidance of any independent member of this house. If there be one subject more than another that deserves the consideration and demands the responsibility of the government, it certainly is the reconstruction of our parliamentary system; and it is the government or the political party candidates for power, who recommend a policy, and who will not shrink from the responsibility of carrying that policy into effect if the opportunity be afforded to them, who alone are qualified to deal with a question of this importance. But, sir, I shall be told, as we have been told in a previous portion of the adjourned debate, that the two great parties of the State cannot be trusted to deal with this question, because they have both trifled with it. That is a charge which has been made repeatedly during this discussion and on previous occasions, and certainly a graver one could not be made in this house. I am not prepared to admit that even our opponents have trifled with this question. We have had a very animated account by the right honorable gentleman who has just addressed us as to what may be called the Story of the Reform Measures. It was animated, but it was not accurate. Mine will

be accurate, though I fear it will not be animated. I am not prepared to believe that English statesmen, though they be opposed to me in politics, and may sit on opposite benches, could ever have intended to trifle with this question. I think that possibly they may have made great mistakes in the course which they took; they may have miscalculated, they may have been misled; but I do not believe that any men in this country, occupying the posts, the eminent posts, of those who have recommended any reconstruction of our parliamentary system in modern days, could have advised a course which they disapproved. They may have thought it perilous, they may have thought it difficult, but though they may have been misled I am convinced they must have felt that it was necessary. Let me say a word in favor of one with whom I have had no political connection, and to whom I have been placed in constant opposition in this house when he was an honored member of it — I mean Lord Russell. I cannot at all agree with the lively narrative of the right honorable gentleman, according to which Parliamentary Reform was but the creature of Lord John Russell, whose cabinet, controlled by him with the vigor of a Richelieu, at all times disapproved his course; still less can I acknowledge that merely to amuse himself, or in a moment of difficulty to excite some popular sympathy, Lord John Russell was a statesman always with Reform in his pocket, ready to produce it and make a display. How different from that astute and sagacious statesman now at the head of her Majesty's government, whom I almost hoped to have seen in his place this evening. I am sure it would have given the house great pleasure to have seen him here, and the house itself would have assumed a more good-humored appearance. I certainly did hope that the noble lord would have been enabled to be in his place and prepared to support his policy. According to the animated but not quite accurate account of the right honorable gentleman who has just sat down, all that Lord Derby did was to sanction the humor and caprice of Lord John Russell. It is true that Lord John Russell when prime minister recommended that her Majesty in the speech from the throne should call the attention of Parliament to the expediency of noticing the condition of our representative system; but Lord John Russell unfortunately shortly afterwards retired from his eminent position.

He was succeeded by one of the most considerable statesmen of our days, a statesman not connected with the political school

of Lord John Russell, who was called to power not only with the assistance of Lord John Russell and the leading members of the Whig party, but supported by the whole class of eminent statesmen who had been educated in the same school and under the same distinguished master. This eminent statesman, however, is entirely forgotten. The right honorable gentleman overlooks the fact that Lord Aberdeen, when prime minister, and when all the principal places in his cabinet were filled with the disciples of Sir Robert Peel, did think it his duty to recommend the same counsel to her Majesty. But this is an important, and not the only important, item in the history of the Reform Bill which has been ignored by the right honorable gentleman. The time, however, came when Lord Aberdeen gave place to another statesman, who has been complimented on his sagacity in evading the subject, as if such a course would be a subject for congratulation. Let me vindicate the policy of Lord Palmerston in his absence. He did not evade the question. Lord Palmerston followed the example of Lord John Russell. He followed the example also of Lord Aberdeen, and recommended her Majesty to notice the subject in the speech from the throne. What becomes, then, of the lively narrative of the right honorable gentleman, and what becomes of the inference and conclusions which he drew from it? Not only is his account inaccurate, but it is injurious, as I take it, to the course of sound policy and the honor of public men. Well, now you have three prime ministers bringing forward the question of Parliamentary Reform; you have Lord John Russell, Lord Aberdeen, and you have even that statesman who, according to the account of the right honorable gentleman, was so eminent for his sagacity in evading the subject altogether. Now, let me ask the house to consider the position of Lord Derby when he was called to power, a position which you cannot rightly understand if you accept as correct the fallacious statements of the right honorable gentleman. I will give the house an account of this subject, the accuracy of which I believe neither side will impugn. It may not possibly be without interest, and will not, I am sure, be without significance. Lord Derby was sent for by her Majesty — an unwilling candidate for office, for let me remind the house that at that moment there was an adverse majority of 140 in the House of Commons, and I therefore do not think that Lord Derby was open to any imputation in hesitating to accept political responsibility under such circumstances. Lord Derby

laid these considerations before her Majesty. I speak, of course, with reserve. I say nothing now which I have not said before on the discussion of political subjects in this house. But when a government comes in on Reform and remains in power six years without passing any measure of the kind, it is possible that these circumstances, too, may be lost sight of. Lord Derby advised her Majesty not to form a government under his influence, because there existed so large a majority against him in the House of Commons, and because this question of Reform was placed in such a position that it was impossible to deal with it as he should wish. But it should be remembered that Lord Derby was a member of the famous Cabinet which carried the Reform Bill in 1832. Lord Derby, as Lord Stanley, was in the House of Commons one of the most efficient promoters of the measure. Lord Derby believed that the bill had tended to effect the purpose for which it was designed, and although no man superior to prejudices could fail to see that some who were entitled to the exercise of the franchise were still debarred from the privilege, yet he could not also fail to perceive the danger which would arise from our tampering with the franchise. On these grounds Lord Derby declined the honor which her Majesty desired to confer upon him, but the appeal was repeated. Under these circumstances it would have been impossible for any English statesman longer to hesitate; but I am bound to say that there was no other contract or understanding further than that which prevails among men, however different their politics, who love their country and wish to maintain its greatness. I am bound to add that there was an understanding at the time existing among men of weight on both sides of the house that the position in which the Reform question was placed was one embarrassing to the crown and not creditable to the house, and that any minister trying his best to deal with it under these circumstances would receive the candid consideration of the house. It was thought, moreover, that a time might possibly arrive when both parties would unite in endeavoring to bring about a solution which would tend to the advantage and benefit of the country. And yet, says the right honorable gentleman, it was only in 1860 that the portentous truth flashed across the mind of the country — only in 1860, after so many ministers had been dealing with the question for so many years. All I can say is that this was the question, and the only question, which engaged the attention of Lord

Derby's cabinet. The question was whether they could secure the franchise for a certain portion of the working classes, who, by their industry, their intelligence, and their integrity, showed that they were worthy of such a possession, without at the same time overwhelming the rest of the constituency by the numbers of those whom they admitted. That, sir, was the only question which occupied the attention of the government of Lord Derby, and yet the right honorable gentleman says that it was in 1860 that the attention of the public was first called to the subject, when, in fact, the question of Parliamentary Reform had been before them for ten years, and on a greater scale than that embraced by the measure under consideration this evening.

I need not remind the house of the reception which Lord Derby's Bill encountered. It is neither my disposition, nor, I am sure, that of any of my colleagues, to complain of the votes of this house on that occasion. Political life must be taken as you find it, and as far as I am concerned not a word shall escape me on the subject. But from the speeches made the first night, and from the speech made by the right honorable gentleman this evening, I believe I am right in vindicating the conduct pursued by the party with which I act. I believe that the measure which we brought forward was the only one which has tended to meet the difficulties which beset this question. Totally irrespective of other modes of dealing with the question, there were two franchises especially proposed on this occasion, which, in my mind, would have done much towards solving the difficulty. The first was the franchise founded upon personal property, and the second the franchise founded upon partial occupation. Those two franchises, irrespective of other modes by which we attempted to meet the want and the difficulty — these two franchises, had they been brought into committee of this house, would, in my opinion, have been so shaped and adapted that they would have effected those objects which the majority of the house desire. We endeavored in that bill to make proposals which were in the genius of the English constitution. We did not consider the constitution a mere phrase. We knew that the constitution of this country is a monarchy tempered by co-ordinate estates of the realm. We knew that the House of Commons is an estate of the realm; we knew that the estates of the realm form a political body, invested with political power for the government of the country and for the public good; yet we thought that it was a body founded upon

privilege and not upon right. It is, therefore, in the noblest and properest sense of the word, an aristocratic body, and from that characteristic the Reform Bill of 1832 did not derogate; and if at this moment we could contrive, as we did in 1859, to add considerably to the number of the constituent body, we should not change that characteristic, but it would still remain founded upon an aristocratic principle. Well, now the Secretary of State [Sir G. Grey] has addressed us to-night in a very remarkable speech. He also takes up the history of Reform, and before I touch upon some of the features of that speech it is my duty to refer to the statements which he made with regard to the policy which the government of Lord Derby was prepared to assume after the general election. By a total misrepresentation of the character of the amendment proposed by Lord John Russell, which threw the government of 1858 into a minority, and by quoting a passage from a very long speech of mine in 1859, the right honorable gentleman most dexterously conveyed these two propositions to the house — first, that Lord John Russell had proposed an amendment to our Reform Bill, by which the house declared that no bill could be satisfactory by which the working classes were not admitted to the franchise — one of our main objects being that the working classes should in a great measure be admitted to the franchise; and, secondly, that after the election I was prepared, as the organ of the government, to give up all the schemes for those franchises founded upon personal property, partial occupation, and other grounds, and to substitute a bill lowering the borough qualification. That conveyed to the house a totally inaccurate idea of the amendment of Lord John Russell. There was not a single word in that amendment about the working classes. There was not a single phrase upon which that issue was raised, nor could it have been raised, because our bill, whether it could have effected the object or not, was a bill which proposed greatly to enfranchise the working classes. And as regards the statement I made, it simply was this. The election was over — we were still menaced, but we, still acting according to our sense of duty, recommended in the royal speech that the question of a reform of Parliament should be dealt with; because I must be allowed to remind the house that whatever may have been our errors, we proposed a bill which we intended to carry. And having once taken up the question as a matter of duty, no doubt greatly influenced by what

we considered the unhappy mistakes of our predecessors, and the difficult position in which they had placed Parliament and the country, we determined not to leave the question until it had been settled. But although still menaced, we felt it to be our duty to recommend to her Majesty to introduce the question of Reform when the Parliament of 1859 met; and how were we, except in that spirit of compromise which is the principal characteristic of our political system, how could we introduce a Reform Bill after that election, without in some degree considering the possibility of lowering the borough franchise? But it was not a franchise of £6, but it was an arrangement that was to be taken with the rest of the bill, and if it had been met in the same spirit we might have retained our places. But, says the right honorable gentleman, pursuing his history of the Reform question, when the government of Lord Derby retired from office "we came in, and we were perfectly sincere in our intentions to carry a Reform Bill; but we experienced such opposition, and never was there such opposition. There was the right honorable gentleman," meaning myself, "he absolutely allowed our bill to be read a second time."

That tremendous reckless opposition to the right honorable gentleman, which allowed the bill to be read a second time, seems to have laid the government prostrate. If he had succeeded in throwing out the bill, the right honorable gentleman and his friends would have been relieved from great embarrassment. But the bill having been read a second time, the government were quite overcome, and it appears they never have recovered from the paralysis up to this time. The right honorable gentleman was good enough to say that the proposition of his government was rather coldly received upon his side of the house, but he said "nobody spoke against it." Nobody spoke against the bill on this side, but I remember some most remarkable speeches from the right honorable gentleman's friends. There was the great city of Edinburgh, represented by acute eloquence of which we never weary, and which again upon the present occasion we have heard; there was the great city of Bristol, represented on that occasion among the opponents, and many other constituencies of equal importance. But the most remarkable speech, which "killed cock robin" was absolutely delivered by one who might be described as almost a member of the government — the chairman of ways and means [Mr. Massey], who, I

believe, spoke from immediately behind the prime minister. Did the government express any disapprobation of such conduct? They have promoted him to a great post, and have sent him to India with an income of fabulous amount. And now they are astonished they cannot carry a Reform Bill. If they removed all those among their supporters who oppose such bills by preferring them to posts of great confidence and great lucre, how can they suppose that they will ever carry one? Looking at the policy of the government, I am not at all astonished at the speech which the right honorable gentleman, the Secretary of State, has made this evening. Of which speech I may observe, that although it was remarkable for many things, yet there were two conclusions at which the right honorable gentleman arrived. First, the repudiation of the rights of man, and, next, the repudiation of the £6 franchise. The first is a great relief, and, remembering what the feeling of the house was only a year ago, when, by the dangerous but fascinating eloquence of the Chancellor of the Exchequer, we were led to believe that the days of Tom Paine had returned, and that Rousseau was to be rivaled by a new social contract, it must be a great relief to every respectable man here to find that not only are we not to have the rights of man, but we are not even to have the 1862 franchise. It is a matter, I think, of great congratulation, and I am ready to give credit to the Secretary of State for the honesty with which he has expressed himself, and I only wish we had had the same frankness, the same honesty we always have, arising from a clear view of his subject, in the first year of the Parliament as we have had in the last. I will follow the example of the right honorable gentleman and his friends. I have not changed my opinions upon the subject of what is called Parliamentary Reform. All that has occurred, all that I have observed, all the results of my reflections, lead me to this more and more — that the principle upon which the constituencies of this country should be increased is one not of radical, but I may say of lateral reform — the extension of the franchise, not its degradation. And although I do not wish in any way to deny that we were in the most difficult position when the Parliament of 1859 met, being anxious to assist the crown and the Parliament by proposing some moderate measure which men on both sides might support, we did, to a certain extent, agree to some modification of the £10 franchise — to what extent no one knows; but I may say that it would have been one which would

not at all have affected the character of the franchise, such as I and my colleagues wished to maintain. Yet I confess that my opinion is opposed, as it originally was, to any course of the kind. I think that it would fail in its object, that it would not secure the introduction of that particular class which we all desire to introduce, but that it would introduce many others who are totally unworthy of the suffrage. But I think it is possible to increase the electoral body of the country by the introduction of voters upon principles in unison with the principles of the constitution, so that the suffrage should remain a privilege, and not a right — a privilege to be gained by virtue, by intelligence, by industry, by integrity, and to be exercised for the common good of the country. I think if you quit that ground — if you once admit that every man has a right to vote whom you cannot prove to be disqualified — you would change the character of the constitution, and you would change it in a manner which will tend to lower the importance of this country. Between the scheme we brought forward and the measure brought forward by the honorable member for Leeds, and the inevitable conclusion which its principal supporters acknowledge it must lead to, it is a question between an aristocratic government in the proper sense of the term — that is, a government by the best men of all classes — and a democracy. I doubt very much whether a democracy is a government that would suit this country; and it is just as well that the house, when coming to a vote on this question, should really consider if that be the real issue, between retaining the present constitution — not the present constitutional body, but between the present constitution and a democracy.

It is just as well for the house to recollect that what is at issue is of some price. You must remember, not to use the word profanely, that we are dealing really with a peculiar people. There is no country at the present moment that exists under the circumstances and under the same conditions as the people of this realm. You have, for example, an ancient, powerful, richly-endowed Church, and perfect religious liberty. You have unbroken order and complete freedom. You have estates as large as the Romans; you have a commercial system of enterprise such as Carthage and Venice united never equaled. And you must remember that this peculiar country with these strong contrasts is governed not by force; it is not governed by standing armies — it is governed by a most singular series of tradi-

tionary influences, which generation after generation cherishes and preserves because they know that they embalm customs and represent the law. And, with this, what have you done? You have created the greatest empire that ever existed in modern times. You have amassed a capital of fabulous amount. You have devised and sustained a system of credit still more marvelous, and above all, you have established and maintained a scheme, so vast and complicated, of labor and industry, that the history of the world offers no parallel to it. And all these mighty creations are out of all proportion to the essential and indigenous elements and resources of the country. If you destroy that state of society, remember this — England cannot begin again. There are countries which have been in great peril and gone through great suffering; there are the United States, which in our own immediate day have had great trials; you have had — perhaps even now in the States of America you have — a protracted and fratricidal civil war which has lasted for four years; but if it lasted for four years more, vast as would be the disaster and desolation, when ended the United States might begin again, because the United States would only be in the same condition that England was at the end of the War of the Roses, and probably she had not even 3,000,000 of population, with vast tracts of virgin soil and mineral treasures, not only undeveloped but undiscovered. Then you have France. France had a real revolution in our days and those of our predecessors — a real revolution, not merely a political and social revolution. You had the institutions of the country uprooted, the orders of society abolished — you had even the landmarks and local names removed and erased. But France could begin again. France had the greatest spread of the most exuberant soil in Europe; she had, and always had, a very limited population, living in a most simple manner. France, therefore, could begin again. But England — the England we know, the England we live in, the England of which we are proud — could not begin again. I don't mean to say that after great troubles England would become a howling wilderness. No doubt the good sense of the people would to some degree prevail, and some fragments of the national character would survive; but it would not be the old England — the England of power and tradition, of credit and capital, that now exists. That is not in the nature of things, and, under these circumstances, I hope the house will, when the

question before us is one impeaching the character of our constitution, sanction no step that has a preference for democracy, but that they will maintain the ordered state of free England in which we live. I do not think that in this country generally there is a desire at this moment for any further change in this matter. I think the general opinion of the country on the subject of Parliamentary Reform is that our views are not sufficiently matured on either side. Certainly, so far as I can judge, I cannot refuse the conclusion that such is the condition of honorable gentlemen opposite. We all know the paper circulated among us before Parliament met, on which the speech of the honorable member from Maidstone commented this evening. I quite sympathize with him; it was one of the most interesting contributions to our elegiac literature I have heard for some time. But is it in this house only that we find these indications of the want of maturity in our views upon this subject? Our tables are filled at this moment with propositions of eminent members of the Liberal party — men eminent for character or talent, and for both — and what are these propositions? All devices to counteract the character of the Liberal Reform Bill, to which they are opposed: therefore, it is quite clear, when we read these propositions and speculations, that the mind and intellect of the party have arrived at no conclusions on the subject. I do not speak of honorable gentlemen with disrespect; I treat them with the utmost respect; I am prepared to give them the greatest consideration; but I ask whether these publications are not proofs that the active intelligence of the Liberal party is itself entirely at sea on the subject?

I may say there has been more consistency, more calmness, and consideration on this subject on the part of gentlemen on this side than on the part of those who seem to arrogate to themselves the monopoly of treating this subject. I can, at least, in answer to those who charge us with trifling with the subject, appeal to the recollection of every candid man, and say that we treated it with sincerity — we prepared our measure with care, and submitted it to the house, trusting to its candid consideration — we spared no pains in its preparation: and at this time I am bound to say, speaking for my colleagues, in the main principles on which that bill was founded — namely, the extension of the franchise, not its degradation, will be found the only solution that will ultimately be accepted by the country. Therefore, I cannot

say that I look to this question, or that those with whom I act look to it, with any embarrassment. We feel we have done our duty; and it is not without some gratification that I have listened to the candid admissions of many honorable gentlemen who voted against it, that they feel the defeat of that measure by the Liberal party was a great mistake. So far as we are concerned, I repeat, we, as a party, can look to Parliamentary Reform not as an embarrassing subject; but that is no reason why we should agree to the measure of the honorable member for Leeds. It would reflect no credit on the House of Commons. It is a mean device. I give all credit to the honorable member for Leeds for his conscientious feeling; but it would be a mockery to take this bill; from the failures of the government and the whole of the circumstances that attended it, it is of that character that I think the house will best do its duty to the country, and will best meet the constituencies with a very good understanding, if they reject the measure by a decided majority.

THE MEANING OF «CONSERVATISM»

(Manchester, April 3d, 1872)

Gentlemen:—

THE chairman has correctly reminded you that this is not the first time that my voice has been heard in this hall. But that was an occasion very different from that which now assembles us together — was nearly thirty years ago, when I endeavored to support and stimulate the flagging energies of an institution in which I thought there were the germs of future refinement and intellectual advantage to the rising generation of Manchester, and since I have been here on this occasion I have learned with much gratification that it is now counted among your most flourishing institutions. There was also another and more recent occasion when the gracious office fell to me to distribute among the members of the Mechanics' Institution those prizes which they had gained through their study in letters and in science. Gentlemen, these were pleasing offices, and if life consisted only of such offices you would not have to complain of it. But life has its masculine duties, and we are assembled here to fulfill some of the most important of these, when, as citizens of a free country, we are assembled together to declare our

determination to maintain, to uphold the constitution to which we are debtors, in our opinion, for our freedom and our welfare.

Gentlemen, there seems at first something incongruous that one should be addressing the population of so influential and intelligent a county as Lancashire who is not locally connected with them, and, gentlemen, I will frankly admit that this circumstance did for a long time make me hesitate in accepting your cordial and generous invitation. But, gentlemen, after what occurred yesterday, after receiving more than two hundred addresses from every part of this great county, after the welcome which then greeted me, I feel that I should not be doing justice to your feelings, I should not do my duty to myself, if I any longer consider my presence here to-night to be an act of presumption. Gentlemen, though it may not be an act of presumption, it still is, I am told, an act of great difficulty. Our opponents assure us that the Conservative party has no political program; and, therefore, they must look with much satisfaction to one whom you honor to-night by considering him the leader and representative of your opinions when he comes forward, at your invitation, to express to you what that program is. The Conservative party are accused of having no program of policy. If by a program is meant a plan to despoil churches and plunder landlords, I admit we have no program. If by a program is meant a policy which assails or menaces every institution and every interest, every class and every calling in the country, I admit we have no program. But if to have a policy with distinct ends, and these such as most deeply interest the great body of the nation, be a becoming program for a political party, then I contend we have an adequate program, and one which, here or elsewhere, I shall always be prepared to assert and to vindicate.

Gentlemen, the program of the Conservative party is to maintain the constitution of the country. I have not come down to Manchester to deliver an essay on the English constitution; but when the banner of Republicanism is unfurled — when the fundamental principles of our institutions are controverted — I think, perhaps, it may not be inconvenient that I should make some few practical remarks upon the character of our constitution — upon that monarchy limited by the co-ordinate authority of the estates of the realm, which, under the title of Queen, Lords, and Commons, has contributed so greatly to the prosperity of this

country, and with the maintenance of which I believe that prosperity is bound up.

Gentlemen, since the settlement of that constitution, now nearly two centuries ago, England has never experienced a revolution, though there is no country in which there has been so continuous and such considerable change. How is this? Because the wisdom of your forefathers placed the prize of supreme power without the sphere of human passions. Whatever the struggle of parties, whatever the strife of factions, whatever the excitement and exaltation of the public mind, there has always been something in this country round which all classes and parties could rally, representing the majesty of the law, the administration of justice, and involving, at the same time, the security for every man's rights and the fountain of honor. Now, gentlemen, it is well clearly to comprehend what is meant by a country not having a revolution for two centuries. It means, for that space, the unbroken exercise and enjoyment of the ingenuity of man. It means for that space the continuous application of the discoveries of science to his comfort and convenience. It means the accumulation of capital, the elevation of labor, the establishment of those admirable factories which cover your district; the unwearied improvement of the cultivation of the land, which has extracted from a somewhat churlish soil harvests more exuberant than those furnished by lands nearer to the sun. It means the continuous order which is the only parent of personal liberty and political right. And you owe all these, gentlemen, to the throne.

There is another powerful and most beneficial influence which is also exercised by the crown. Gentlemen, I am a party man. I believe that, without party, parliamentary government is impossible. I look upon parliamentary government as the noblest government in the world, and certainly the one most suited to England. But without the discipline of political connection, animated by the principle of private honor, I feel certain that a popular assembly would sink before the power or the corruption of a minister. Yet, gentlemen, I am not blind to the faults of party government. It has one great defect. Party has a tendency to warp the intelligence, and there is no minister, however resolved he may be in treating a great public question, who does not find some difficulty in emancipating himself from

the traditionary prejudice on which he has long acted. It is, therefore, a great merit in our constitution, that before a minister introduces a measure to Parliament, he must submit it to an intelligence superior to all party, and entirely free from influences of that character.

I know it will be said, gentlemen, that, however beautiful in theory, the personal influence of the sovereign is now absorbed in the responsibility of the minister. Gentlemen, I think you will find there is great fallacy in this view. The principles of the English constitution do not contemplate the absence of personal influence on the part of the sovereign; and if they did, the principles of human nature would prevent the fulfillment of such a theory. Gentlemen, I need not tell you that I am now making on this subject abstract observations of general application to our institutions and our history. But take the case of a sovereign of England, who accedes to his throne at the earliest age the law permits, and who enjoys a long reign,— take an instance like that of George III. From the earliest moment of his accession that sovereign is placed in constant communication with the most able statesmen of the period, and of all parties. Even with average ability it is impossible not to perceive that such a sovereign must soon attain a great mass of political information and political experience. Information and experience, gentlemen, whether they are possessed by a sovereign or by the humblest of his subjects, are irresistible in life. No man with the vast responsibility that devolves upon an English minister can afford to treat with indifference a suggestion that has not occurred to him, or information with which he had not been previously supplied. But, gentlemen, pursue this view of the subject. The longer the reign, the influence of that sovereign must proportionately increase. All the illustrious statesmen who served his youth disappear. A new generation of public servants rises up, there is a critical conjunction in affairs— a moment of perplexity and peril. Then it is that the sovereign can appeal to a similar state of affairs that occurred perhaps thirty years before. When all are in doubt among his servants, he can quote the advice that was given by the illustrious men of his early years, and, though he may maintain himself within the strictest limits of the constitution, who can suppose, when such information and such suggestions are made by the most exalted person in the country, that they can

be without effect? No, gentlemen; a minister who could venture to treat such influence with indifference would not be a constitutional minister, but an arrogant idiot.

Gentlemen, the influence of the crown is not confined merely to political affairs. England is a domestic country. Here the home is revered and the hearth is sacred. The nation is represented by a family — the royal family; and if that family is educated with a sense of responsibility and a sentiment of public duty, it is difficult to exaggerate the salutary influence they may exercise over a nation. It is not merely an influence upon manners; it is not merely that they are a model for refinement and for good taste — they affect the heart as well as the intelligence of the people; and in the hour of public adversity, or in the anxious conjuncture of public affairs, the nation rallies round the family and the throne, and its spirit is animated and sustained by the expression of public affection. Gentlemen, there is yet one other remark that I would make upon our monarchy, though had it not been for recent circumstances, I should have refrained from doing so. An attack has recently been made upon the throne on account of the costliness of the institution. Gentlemen, I shall not dwell upon the fact that if the people of England appreciate the monarchy, as I believe they do, it would be painful to them that their royal and representative family should not be maintained with becoming dignity, or fill in the public eye a position inferior to some of the nobles of the land. Nor will I insist upon what is unquestionably the fact, that the revenues of the crown estates, on which our sovereign might live with as much right as the Duke of Bedford, or the Duke of Northumberland, has to his estates, are now paid into the public exchequer. All this, upon the present occasion, I am not going to insist upon. What I now say is this: that there is no sovereignty of any first-rate State which costs so little to the people as the sovereignty of England. I will not compare our civil list with those of European empires, because it is known that in amount they treble and quadruple it; but I will compare it with the cost of sovereignty in a republic, and that a republic with which you are intimately acquainted — the republic of the United States of America.

Gentlemen, there is no analogy between the position of our sovereign, Queen Victoria, and that of the President of the United States. The President of the United States is not the

sovereign of the United States. There is a very near analogy between the position of the President of the United States and that of the prime minister of England, and both are paid at much the same rate — the income of a second-class professional man. The sovereign of the United States is the people; and I will now show you what the sovereignty of the United States costs. Gentlemen, you are aware of the Constitution of the United States. There are thirty-seven independent States, each with a sovereign legislature. Besides these, there is a Confederation of States, to conduct their external affairs, which consists of the House of Representatives and a Senate. There are two hundred and eighty-five members of the House of Representatives, and there are seventy-four members of the Senate, making altogether three hundred and fifty-nine members of Congress. Now each member of Congress receives £1,000 sterling per annum. In addition to this he receives an allowance called "mileage," which varies according to the distance which he travels, but the aggregate cost of which is about £30,000 per annum. That makes £389,000, almost the exact amount of our civil list.

But this, gentlemen, will allow you to make only a very imperfect estimate of the cost of sovereignty in the United States. Every member of every legislature in the thirty-seven States is also paid. There are, I believe, five thousand and ten members of State legislatures, who receive about $350 per annum each. As some of the returns are imperfect, the average which I have given of expenditure may be rather high, and therefore I have not counted the mileage, which is also universally allowed. Five thousand and ten members of State legislatures at $350 each make $1,753,500, or £350,700 sterling a year. So you see, gentlemen, that the immediate expenditure for the sovereignty of the United States is between £700,000 and £800,000 a year. Gentlemen, I have not time to pursue this interesting theme, otherwise I could show that you have still but imperfectly ascertained the cost of sovereignty in a republic. But, gentlemen, I cannot resist giving you one further illustration.

The government of this country is considerably carried on by the aid of royal commissions. So great is the increase of public business that it would be probably impossible for a minister to carry on affairs without this assistance. The Queen of England can command for these objects the services of the most experienced statesmen, and men of the highest position in society. If

necessary, she can summon to them distinguished scholars or men most celebrated in science and in arts; and she receives from them services that are unpaid. They are only too proud to be described in the commission as her Majesty's «trusty councilors»; and if any member of these commissions performs some transcendent services, both of thought and of labor, he is munificently rewarded by a public distinction conferred upon him by the fountain of honor. Gentlemen, the government of the United States, has, I believe, not less availed itself of the services of commissions than the government of the United Kingdom; but in a country where there is no fountain of honor, every member of these commissions is paid.

Gentlemen, I trust I have now made some suggestions to you respecting the monarchy of England which at least may be so far serviceable that when we are separated they may not be altogether without advantage; and now, gentlemen, I would say something on the subject of the House of Lords. It is not merely the authority of the throne that is now disputed, but the character and the influence of the House of Lords that are held up by some to public disregard. Gentlemen, I shall not stop for a moment to offer you any proofs of the advantage of a second chamber; and for this reason. That subject has been discussed now for a century, ever since the establishment of the government of the United States, and all great authorities, American, German, French, Italian, have agreed in this, that a representative government is impossible without a second chamber. And it has been, especially of late, maintained by great political writers in all countries, that the repeated failure of what is called the French republic is mainly to be ascribed to its not having a second chamber.

But, gentlemen, however anxious foreign countries have been to enjoy this advantage, that anxiety has only been equaled by the difficulty which they have found in fulfilling their object. How is a second chamber to be constituted? By nominees of the sovereign power? What influence can be exercised by a chamber of nominees? Are they to be bound by popular election? In what manner are they to be elected? If by the same constituency as the popular body, what claim have they, under such circumstances, to criticize or to control the decisions of that body? If they are to be elected by a more select body, qualified by a higher franchise, there immediately occurs the objection,

why should the majority be governed by the minority? The United States of America were fortunate in finding a solution of this difficulty; but the United States of America had elements to deal with which never occurred before, and never probably will occur again, because they formed their illustrious Senate from materials that were offered them by the thirty-seven States. We, gentlemen, have the House of Lords, an assembly which has historically developed and periodically adapted itself to the wants and necessities of the times.

What, gentlemen, is the first quality which is required in a second chamber? Without doubt, independence. What is the best foundation of independence? Without doubt, property. The prime minister of England has only recently told you, and I believe he spoke quite accurately, that the average income of the members of the House of Lords is £20,000 per annum. Of course there are some who have more, and some who have less; but the influence of a public assembly, so far as property is concerned, depends upon its aggregate property, which, in the present case, is a revenue of £9,000,000 a year. But, gentlemen, you must look to the nature of this property. It is visible property, and therefore it is responsible property, which every rate-payer in the room knows to his cost. But, gentlemen, it is not only visible property; it is, generally speaking, territorial property; and one of the elements of territorial property is, that it is representative. Now, for illustration, suppose — which God forbid — there was no House of Commons, and any Englishman, — I will take him from either end of the island, — a Cumberland, or a Cornish man, finds himself aggrieved, the Cumbrian says: "This conduct I experience is most unjust. I know a Cumberland man in the House of Lords, the Earl of Carlisle or the Earl of Lonsdale; I will go to him; he will never see a Cumberland man ill-treated." The Cornish man will say: "I will go to the Lord of Port Eliot; his family have sacrificed themselves before this for the liberties of Englishmen, and he will get justice done me."

But, gentlemen, the charge against the House of Lords is that the dignities are hereditary, and we are told that if we have a House of Peers they should be peers for life. There are great authorities in favor of this, and even my noble friend near me [Lord Derby], the other day, gave in his adhesion to a limited application of this principle. Now, gentlemen, in the first place,

let me observe that every peer is a peer for life, as he cannot be a peer after his death; but some peers for life are succeeded in their dignities by their children. The question arises, who is most responsible—a peer for life whose dignities are not descendible, or a peer for life whose dignities are hereditary? Now, gentlemen, a peer for life is in a very strong position. He says: "Here I am; I have got power and I will exercise it." I have no doubt that, on the whole, a peer for life would exercise it for what he deemed was the public good. Let us hope that. But, after all, he might and could exercise it according to his own will. Nobody can call him to account; he is independent of everybody. But a peer for life whose dignities descend is in a very different position. He has every inducement to study public opinion, and, when he believes it just, to yield; because he naturally feels that if the order to which he belongs is in constant collision with public opinion, the chances are that his dignities will not descend to his posterity.

Therefore, gentlemen, I am not prepared myself to believe that a solution of any difficulties in the public mind on this subject is to be found by creating peers for life. I know there are some philosophers who believe that the best substitute for the House of Lords would be an assembly formed of ex-governors of colonies. I have not sufficient experience on that subject to give a decided opinion upon it. When the Muse of Comedy threw her frolic grace over society, a retired governor was generally one of the characters in every comedy; and the last of our great actors,—who, by the way, was a great favorite at Manchester,—Mr. Farren, was celebrated for his delineation of the character in question. Whether it be the recollection of that performance or not, I confess I am inclined to believe that an English gentleman—born to business, managing his own estate, administering the affairs of his county, mixing with all classes of his fellow-men, now in the hunting field, now in the railway direction, unaffected, unostentatious, proud of his ancestors, if they have contributed to the greatness of our common country—is, on the whole, more likely to form a Senator agreeable to English opinion and English taste than any substitute that has yet been produced.

Gentlemen, let me make one observation more on the subject of the House of Lords before I conclude. There is some advantage in political experience. I remember the time when there was a similar outcry against the House of Lords, but much more

intense and powerful; and, gentlemen, it arose from the same cause. A Liberal government had been installed in office, with an immense Liberal majority. They proposed some violent measures. The House of Lords modified some, delayed others, and some they threw out. Instantly there was a cry to abolish or to reform the House of Lords, and the greatest popular orator [Daniel O'Connell] that probably ever existed was sent on a pilgrimage over England to excite the people in favor of this opinion. What happened? That happened, gentlemen, which may happen to-morrow. There was a dissolution of Parliament. The great Liberal majority vanished. The balance of parties was restored. It was discovered that the House of Lords had behind them at least half of the English people. We heard no more cries for their abolition or their reform, and before two years more passed England was really governed by the House of Lords, under the wise influence of the Duke of Wellington and the commanding eloquence of Lyndhurst; and such was the enthusiasm of the nation in favor of the second chamber that at every public meeting its health was drunk, with the additional sentiment, for which we are indebted to one of the most distinguished members that ever represented the House of Commons: "Thank God, there is the House of Lords."

Gentlemen, you will, perhaps, not be surprised that, having made some remarks upon the monarchy and the House of Lords, I should say something respecting that house in which I have literally passed the greater part of my life, and to which I am devotedly attached. It is not likely, therefore, that I should say anything to depreciate the legitimate position and influence of the House of Commons. Gentlemen, it is said that the diminished power of the throne and the assailed authority of the House of Lords are owing to the increased power of the House of Commons, and the new position which of late years, and especially during the last forty years, it has assumed in the English constitution. Gentlemen, the main power of the House of Commons depends upon its command over the public purse, and its control of the public expenditure; and if that power is possessed by a party which has a large majority in the House of Commons, the influence of the House of Commons is proportionately increased, and, under some circumstances, becomes more predominant. But, gentlemen, this power of the House of Commons is not a power which has been created by any reform act,

from the days of Lord Grey, in 1832, to 1867. It is the power which the House of Commons has enjoyed for centuries, which it has frequently asserted and sometimes even tyrannically exercised. Gentlemen, the House of Commons represents the constituencies of England, and I am here to show you that no addition to the elements of that constituency has placed the House of Commons in a different position with regard to the throne and the House of Lords from that it has always constitutionally occupied.

Gentlemen, we speak now on this subject with great advantage. We recently have had published authentic documents upon this matter which are highly instructive. We have, for example, just published the census of Great Britain, and we are now in possession of the last registration of voters for the United Kingdom. Gentlemen, it appears that by the census the population at this time is about 32,000,000. It is shown by the last registration that, after making the usual deductions for deaths, removals, double entries, and so on, the constituency of the United Kingdom may be placed at 2,200,000. So, gentlemen, it at once appears that there are 30,000,000 people in this country who are as much represented by the House of Lords as by the House of Commons, and who, for the protection of their rights, must depend upon them and the majesty of the throne. And now, gentlemen, I will tell you what was done by the last reform act.

Lord Grey, in his measure of 1832, which was no doubt a statesmanlike measure, committed a great, and for a time it appeared an irretrievable, error. By that measure he fortified the legitimate influence of the aristocracy, and accorded to the middle classes great and salutary franchises; but he not only made no provision for the representation of the working classes in the constitution, but he absolutely abolished those ancient franchises which the working classes had peculiarly enjoyed and exercised from time immemorial. Gentlemen, that was the origin of Chartism, and of that electoral uneasiness which existed in this country more or less for thirty years.

The Liberal party, I feel it my duty to say, had not acted fairly by this question. In their adversity they held out hopes to the working classes, but when they had a strong government they laughed their vows to scorn. In 1848 there was a French revolution, and a republic was established. No one can have forgotten what the effect was in this country. I remember the day

when not a woman could leave her house in London, and when cannon were planted on Westminster Bridge. When Lord Derby became prime minister affairs had arrived at such a point that it was of the first moment that the question should be sincerely dealt with. He had to encounter great difficulties, but he accomplished his purpose with the support of a united party. And, gentlemen, what has been the result? A year ago there was another revolution in France, and a republic was again established of the most menacing character. What happened in this country? You could not get half a dozen men to assemble in a street and grumble. Why? Because the people had got what they wanted. They were content, and they were grateful.

But, gentlemen, the constitution of England is not merely a constitution in State, it is a constitution in Church and State. The wisest sovereigns and statesmen have ever been anxious to connect authority with religion — some to increase their power, some, perhaps, to mitigate its exercise. But the same difficulty has been experienced in effecting this union which has been experienced in forming a second chamber — either the spiritual power has usurped upon the civil, and established a sacerdotal society, or the civil power has invaded successfully the rights of the spiritual, and the ministers of religion have been degraded into stipendiaries of the state and instruments of the government. In England we accomplish this great result by an alliance between Church and State, between two originally independent powers. I will not go into the history of that alliance, which is rather a question for those archæological societies which occasionally amuse and instruct the people of this city. Enough for me that this union was made and has contributed for centuries to the civilization of this country. Gentlemen, there is the same assault against the Church of England and the union between the State and the Church as there is against the monarchy and against the House of Lords. It is said that the existence of nonconformity proves that the Church is a failure. I draw from these premises an exactly contrary conclusion; and I maintain that to have secured a national profession of faith with the unlimited enjoyment of private judgment in matters spiritual, is the solution of the most difficult problem, and one of the triumphs of civilization.

It is said that the existence of parties in the Church also proves its incompetence. On that matter, too, I entertain a con-

trary opinion. Parties have always existed in the Church; and some have appealed to them as arguments in favor of its divine institution, because, in the services and doctrines of the Church have been found representatives of every mood in the human mind. Those who are influenced by ceremonies find consolation in forms which secure to them the beauty of holiness. Those who are not satisfied except with enthusiasm find in its ministrations the exaltation they require, while others who believe that the "anchor of faith" can never be safely moored except in the dry sands of reason find a religion within the pale of the Church which can boast of its irrefragable logic and its irresistible evidence.

Gentlemen, I am inclined sometimes to believe that those who advocate the abolition of the union between Church and State have not carefully considered the consequences of such a course. The Church is a powerful corporation of many millions of her Majesty's subjects, with a consummate organization and wealth which in its aggregate is vast. Restricted and controlled by the State, so powerful a corporation may be only fruitful of public advantage, but it becomes a great question what might be the consequences of the severance of the controlling tie between these two bodies. The State would be enfeebled, but the Church would probably be strengthened. Whether that is a result to be desired is a grave question for all men. For my own part, I am bound to say that I doubt whether it would be favorable to the cause of civil and religious liberty. I know that there is a common idea that if the union between Church and State was severed, the wealth of the Church would revert to the State; but it would be well to remember that the great proportion of ecclesiastical property is the property of individuals. Take, for example, the fact that the great mass of Church patronage is patronage in the hands of private persons. That you could not touch without compensation to the patrons. You have established that principle in your late Irish Bill, where there was very little patronage. And in the present state of the public mind on the subject, there is very little doubt that there would be scarcely a patron in England — irrespective of other aid the Church would receive — who would not dedicate his compensation to the spiritual wants of his neighbors.

It was computed some years ago that the property of the Church in this manner, if the union was terminated, would not

be less than between £80,000,000 and £90,000,000, and since that period the amount of private property dedicated to the purposes of the Church has very largely increased. I therefore trust that when the occasion offers for the country to speak out, it will speak out in an unmistakable manner on this subject; and recognizing the inestimable services of the Church, that it will call upon the government to maintain its union with the State. Upon this subject there is one remark I would make. Nothing is more surprising to me than the plea on which the present outcry is made against the Church of England. I could not believe that in the nineteenth century the charge against the Church of England should be that churchmen, and especially the clergy, had educated the people. If I were to fix upon one circumstance more than another which redounded to the honor of churchmen, it is that they should fulfill this noble office; and, next to being "the stewards of divine mysteries," I think the greatest distinction of the clergy is the admirable manner in which they have devoted their lives and their fortunes to this greatest of national objects.

Gentlemen, you are well acquainted in this city with this controversy. It was in this city — I don't know whether it was not in this hall — that that remarkable meeting was held of the Nonconformists to effect important alterations in the Education Act, and you are acquainted with the discussion in Parliament which arose in consequence of that meeting. Gentlemen, I have due and great respect for the Nonconformist body. I acknowledge their services to their country, and though I believe that the political reasons which mainly called them into existence have entirely ceased, it is impossible not to treat with consideration a body which has been eminent for its conscience, its learning, and its patriotism; but I must express my mortification that, from a feeling of envy or of pique, the Nonconformist body, rather than assist the Church in its great enterprise, should absolutely have become the partisans of a merely secular education. I believe myself, gentlemen, that without the recognition of a superintending Providence in the affairs of this world all national education will be disastrous, and I feel confident that it is impossible to stop at that mere recognition. Religious education is demanded by the nation generally and by the instincts of human nature. I should like to see the Church and the Nonconformists work together; but I trust, whatever may be the result, the country

will stand by the Church in its efforts to maintain the religious education of the people. Gentlemen, I foresee yet trials for the Church of England; but I am confident in its future. I am confident in its future because I believe there is now a very general feeling that to be national it must be comprehensive. I will not use the word "broad," because it is an epithet applied to a system with which I have no sympathy. But I would wish churchmen, and especially the clergy, always to remember that in our "Father's home there are many mansions," and I believe that comprehensive spirit is perfectly consistent with the maintenance of formularies and the belief in dogmas without which I hold no practical religion can exist.

Gentlemen, I have now endeavored to express to you my general views upon the most important subjects that can interest Englishmen. They are subjects upon which, in my mind, a man should speak with frankness and clearness to his countrymen, and although I do not come down here to make a party speech, I am bound to say that the manner in which those subjects are treated by the leading subject of this realm is to me most unsatisfactory. Although the prime minister of England is always writing letters and making speeches, and particularly on these topics, he seems to me ever to send forth an "uncertain sound." If a member of Parliament announces himself a Republican, Mr. Gladstone takes the earliest opportunity of describing him as a "fellow-worker" in public life. If an inconsiderate multitude calls for the abolition or reform of the House of Lords, Mr. Gladstone says that it is no easy task, and that he must think once or twice, or perhaps even thrice, before he can undertake it. If your neighbor, the member for Bradford, Mr. Miall, brings forward a motion in the House of Commons for the severance of Church and State, Mr. Gladstone assures Mr. Miall with the utmost courtesy that he believes the opinion of the House of Commons is against him, but that if Mr. Miall wishes to influence the House of Commons he must address the people out of doors; whereupon Mr. Miall immediately calls a public meeting, and alleges as its cause the advice he has just received from the prime minister.

But, gentlemen, after all, the test of political institutions is the condition of the country whose fortunes they regulate; and I do not mean to evade that test. You are the inhabitants of an island of no colossal size; which, geographically speaking, was

intended by nature as the appendage of some continental empire — either of Gauls and Franks on the other side of the Channel, or of Teutons and Scandinavians beyond the German Sea. Such, indeed, and for a long period, was your early history. You were invaded; you were pillaged and you were conquered; yet amid all these disgraces and vicissitudes there was gradually formed that English race which has brought about a very different state of affairs. Instead of being invaded, your land is proverbially the only "inviolate land"—"the inviolate land of the sage and free." Instead of being plundered, you have attracted to your shores all the capital of the world. Instead of being conquered, your flag floats on many waters, and your standard waves in either zone. It may be said that these achievements are due to the race that inhabited the land, and not to its institutions. Gentlemen, in political institutions are the embodied experiences of a race. You have established a society of classes which give vigor and variety to life. But no class possesses a single exclusive privilege, and all are equal before the law. You possess a real aristocracy, open to all who desire to enter it. You have not merely a middle class, but a hierarchy of middle classes, in which every degree of wealth, refinement, industry, energy, and enterprise is duly represented.

And now, gentlemen, what is the condition of the great body of the people? In the first place, gentlemen, they have for centuries been in the full enjoyment of that which no other country in Europe has ever completely attained — complete rights of personal freedom. In the second place, there has been a gradual, and therefore a wise, distribution on a large scale of political rights. Speaking with reference to the industries of this great part of the country, I can personally contrast it with the condition of the working classes forty years ago. In that period they have attained two results — the raising of their wages and the diminution of their toil. Increased means and increased leisure are the two civilizers of man. That the working classes of Lancashire and Yorkshire have proved not unworthy of these boons may be easily maintained; but their progress and elevation have been during this interval wonderfully aided and assisted by three causes, which are not so distinctively attributable to their own energies. The first is the revolution in locomotion, which has opened the world to the working man, which has enlarged the horizon of his experience, increased his knowledge of nature and

of art, and added immensely to the salutary recreation, amusement, and pleasure of his existence. The second cause is the cheap postage, the moral benefits of which cannot be exaggerated. And the third is that unshackled press which has furnished him with endless sources of instruction, information, and amusement.

Gentlemen, if you would permit me, I would now make an observation upon another class of the laboring population. This is not a civic assembly, although we meet in a city. That was for convenience, but the invitation which I received was to meet the county and all the boroughs of Lancashire; and I wish to make a few observations upon the condition of the agricultural laborer. That is a subject which now greatly attracts public attention. And, in the first place, to prevent any misconception, I beg to express my opinion that an agricultural laborer has as much right to combine for the bettering of his condition as a manufacturing laborer or a worker in metals. If the causes of his combination are natural—that is to say, if they arise from his own feelings and from the necessities of his own condition—the combination will end in results mutually beneficial to employers and employed. If, on the other hand, it is factitious and he is acted upon by extraneous influences and extraneous ideas, the combination will produce, I fear, much loss and misery both to employers and employed; and after a time he will find himself in a similar, or in a worse, position.

Gentlemen, in my opinion, the farmers of England cannot, as a body, afford to pay higher wages than they do, and those who will answer me by saying that they must find their ability by the reduction of rents are, I think, involving themselves with economic laws which may prove too difficult for them to cope with. The profits of a farmer are very moderate. The interest upon capital invested in land is the smallest that any property furnishes. The farmer will have his profits and the investor in land will have his interest, even though they may be obtained at the cost of changing the mode of the cultivation of the country. Gentlemen, I should deeply regret to see the tillage of this country reduced, and a recurrence to pasture take place. I should regret it principally on account of the agricultural laborers themselves. Their new friends call them Hodge, and describe them as a stolid race. I must say that, from my experience of them,

they are sufficiently shrewd and open to reason. I would say to them with confidence, as the great Athenian said to the Spartan who rudely assailed him: «Strike, but hear me.»

First, a change in the cultivation of the soil of this country would be very injurious to the laboring class; and second, I am of opinion that that class instead of being stationary has made, if not as much progress as the manufacturing class, very considerable progress during the last forty years. Many persons write and speak about the agricultural laborer with not so perfect a knowledge of his condition as is desirable. They treat him always as a human being who in every part of the country finds himself in an identical condition. Now, on the contrary, there is no class of laborers in which there is greater variety of condition than that of the agricultural laborers. It changes from north to south, from east to west, and from county to county. It changes even in the same county, where there is an alteration of soil and of configuration. The hind in Northumberland is in a very different condition from the famous Dorsetshire laborer; the tiller of the soil in Lincolnshire is different from his fellow-agriculturalist in Sussex. What the effect of manufactures is upon the agricultural districts in their neighborhood it would be presumption in me to dwell upon; your own experience must tell you whether the agricultural laborer in North Lancashire, for example, has had no rise in wages and no diminution in toil. Take the case of the Dorsetshire laborer — the whole of the agricultural laborers on the southwestern coast of England for a very long period worked only half the time of the laborers in other parts of England, and received only half the wages. In the experience of many, I dare say, who are here present, even thirty years ago a Dorsetshire laborer never worked after three o'clock in the day; and why? Because the whole of that part of England was demoralized by smuggling. No one worked after three o'clock in the day, for a very good reason — because he had to work at night. No farmer allowed his team to be employed after three o'clock, because he reserved his horses to take his illicit cargo at night and carry it rapidly into the interior. Therefore, as the men were employed and remunerated otherwise, they got into a habit of half work and half play so far as the land was concerned, and when smuggling was abolished — and it has only been abolished for thirty years — these imperfect habits of labor

continued, and do even now continue to a great extent. That is the origin of the condition of the agricultural laborer in the southwestern part of England.

But now, gentlemen, I want to test the condition of the agricultural laborer generally; and I will take a part of England with which I am familiar, and can speak as to the accuracy of the facts — I mean the group described as the south-midland counties. The conditions of labor there are the same, or pretty nearly the same, throughout. The group may be described as a strictly agricultural community, and they embrace a population of probably a million and a half. Now, I have no hesitation in saying that the improvement in their lot during the last forty years has been progressive and is remarkable. I attribute it to three causes. In the first place, the rise in their money wages is no less than fifteen per cent. The second great cause of their improvement is the almost total disappearance of excessive and exhausting toil, from the general introduction of machinery. I don't know whether I could get a couple of men who could or, if they could, would thresh a load of wheat in my neighborhood. The third great cause which has improved their condition is the very general, not to say universal, institution of allotment grounds. Now, gentlemen, when I find that this has been the course of affairs in our very considerable and strictly agricultural portion of the country, where there have been no exceptional circumstances, like smuggling, to degrade and demoralize the race, I cannot resist the conviction that the condition of the agricultural laborers, instead of being stationary, as we are constantly told by those not acquainted with them, has been one of progressive improvement, and that in those counties — and they are many — where the stimulating influence of a manufacturing neighborhood acts upon the land, the general conclusion at which I arrive is that the agricultural laborer has had his share in the advance of national prosperity. Gentlemen, I am not here to maintain that there is nothing to be done to increase the well-being of the working classes of this country, generally speaking. There is not a single class in the country which is not susceptible of improvement; and that makes the life and animation of our society. But in all we do we must remember, as my noble friend told them at Liverpool, that much depends upon the working classes themselves; and what I know of the working classes in Lancashire makes me sure that they will respond to

this appeal. Much, also, may be expected from that sympathy between classes which is a distinctive feature of the present day; and, in the last place, no inconsiderable results may be obtained by judicious and prudent legislation. But, gentlemen, in attempting to legislate upon social matters, the great object is to be practical — to have before us some distinct aims and some distinct means by which they can be accomplished.

Gentlemen, I think public attention as regards these matters ought to be concentrated upon sanitary legislation. That is a wide subject, and, if properly treated, comprises almost every consideration which has a just claim upon legislative interference. Pure air, pure water, the inspection of unhealthy habitations, the adulteration of food,— these and many kindred matters may be legitimately dealt with by the legislature; and I am bound to say the legislature is not idle upon them; for we have at this time two important measures before Parliament on the subject. One — by a late colleague of mine, Sir Charles Adderley — is a large and comprehensive measure, founded upon a sure basis, for it consolidates all existing public acts, and improves them. A prejudice has been raised against that proposal, by stating that it interferes with the private acts of the great towns. I take this opportunity of contradicting that. The bill of Sir Charles Adderley does not touch the acts of the great towns. It only allows them, if they think fit, to avail themselves of its new provisions.

The other measure by the government is of a partial character. What it comprises is good, so far as it goes, but it shrinks from that bold consolidation of existing acts which I think one of the great merits of Sir Charles Adderley's bill, which permits us to become acquainted with how much may be done in favor of sanitary improvement by existing provisions. Gentlemen, I cannot impress upon you too strongly my conviction of the importance of the legislature and society uniting together in favor of these important results. A great scholar and a great wit, three hundred years ago, said that, in his opinion, there was a great mistake in the Vulgate, which, as you all know, is the Latin translation of the Holy Scriptures, and that, instead of saying "Vanity of vanities, all is vanity" — *Vanitas vanitatum, omnia vanitas* — the wise and witty king really said: "*Sanitas sanitatum, omnia sanitas.*" Gentlemen, it is impossible to overrate the importance of the subject. After all the first consideration of a

minister should be the health of the people. A land may be covered with historic trophies, with museums of science and galleries of art, with universities and with libraries; the people may be civilized and ingenious; the country may be even famous in the annals and action of the world, but, gentlemen, if the population every ten years decreases, and the stature of the race every ten years diminishes, the history of that country will soon be the history of the past.

Gentlemen, I said I had not come here to make a party speech. I have addressed you upon subjects of grave, and I will venture to believe of general, interest; but to be here and altogether silent upon the present state of public affairs would not be respectful to you, and, perhaps, on the whole, would be thought incongruous. Gentlemen, I cannot pretend that our position either at home or abroad is in my opinion satisfactory. At home, at a period of immense prosperity, with a people contented and naturally loyal, we find to our surprise the most extravagant doctrines professed and the fundamental principles of our most valuable institutions impugned, and that, too, by persons of some authority. Gentlemen, this startling inconsistency is accounted for, in my mind, by the circumstances under which the present administration was formed. It is the first instance in my knowledge of a British administration being avowedly formed on a principle of violence. It is unnecessary for me to remind you of the circumstances which preceded the formation of that government. You were the principal scene and theatre of the development of statesmanship that then occurred. You witnessed the incubation of the portentous birth. You remember when you were informed that the policy to secure the prosperity of Ireland and the content of Irishmen was a policy of sacrilege and confiscation. Gentlemen, when Ireland was placed under the wise and able administration of Lord Abercorn, Ireland was prosperous, and I may say content. But there happened at that time a very peculiar conjuncture in politics. The Civil War in America had just ceased; and a band of military adventurers — Poles, Italians, and many Irishmen — concocted in New York a conspiracy to invade Ireland, with the belief that the whole country would rise to welcome them. How that conspiracy was baffled — how those plots were confounded, I need not now remind you. For that we were mainly indebted to the eminent qualities of a great man who has just left us. You remember how the constituencies

were appealed to to vote against the government which had made so unfit an appointment as that of Lord Mayo to the viceroyalty of India. It was by his great qualities when Secretary for Ireland, by his vigilance, his courage, his patience, and his perseverance that this conspiracy was defeated. Never was a minister better informed. He knew what was going on at New York just as well as what was going on in the city of Dublin.

When the Fenian conspiracy had been entirely put down, it became necessary to consider the policy which it was expedient to pursue in Ireland; and it seemed to us at that time that what Ireland required after all the excitement which it had experienced was a policy which should largely develop its material resources. There were one or two subjects of a different character, which, for the advantage of the State, it would have been desirable to have settled, if that could have been effected with a general concurrence of both the great parties in that country. Had we remained in office, that would have been done. But we were destined to quit it, and we quitted it without a murmur. The policy of our successors was different. Their specific was to despoil churches and plunder landlords, and what has been the result? Sedition rampant, treason thinly veiled, and whenever a vacancy occurs in the representation a candidate is returned pledged to the disruption of the realm. Her Majesty's new ministers proceeded in their career like a body of men under the influence of some delirious drug. Not satiated with the spoliation and anarchy of Ireland, they began to attack every institution and every interest, every class and calling in the country.

It is curious to observe their course. They took into hand the army. What have they done? I will not comment on what they have done. I will historically state it, and leave you to draw the inference. So long as constitutional England has existed there has been a jealousy among all classes against the existence of a standing army. As our empire expanded, and the existence of a large body of disciplined troops became a necessity, every precaution was taken to prevent the danger to our liberties which a standing army involved.

It was a first principle not to concentrate in the island any overwhelming number of troops, and a considerable portion was distributed in the colonies. Care was taken that the troops generally should be officered by a class of men deeply interested in the property and the liberties of England. So extreme was the

jealousy that the relations between that once constitutional force, the militia, and the sovereign were rigidly guarded, and it was carefully placed under local influences. All this is changed. We have a standing army of large amount, quartered and brigaded and encamped permanently in England, and fed by a considerable and constantly increasing reserve.

It will in due time be officered by a class of men eminently scientific, but with no relations necessarily with society; while the militia is withdrawn from all local influences, and placed under the immediate command of the Secretary of War. Thus, in the nineteenth century, we have a large standing army established in England, contrary to all the traditions of the land, and that by a Liberal government, and with the warm acclamations of the Liberal party.

Let us look what they have done with the Admiralty. You remember, in this country especially, the denunciations of the profligate expenditure of the Conservative government, and you have since had an opportunity of comparing it with the gentler burden of Liberal estimates. The navy was not merely an instance of profligate expenditure, but of incompetent and inadequate management. A great revolution was promised in its administration. A gentleman [Mr. Childers], almost unknown to English politics, was strangely preferred to one of the highest places in the councils of her Majesty. He set to at his task with ruthless activity. The Consulative Council, under which Nelson had gained all his victories, was dissolved. The secretaryship of the Admiralty, an office which exercised a complete supervision over every division of that great department,—an office which was to the Admiralty what the Secretary of State is to the kingdom,—which, in the qualities which it required and the duties which it fulfilled, was rightly a stepping-stone to the cabinet, as in the instances of Lord Halifax, Lord Herbert, and many others,—was reduced to absolute insignificance. Even the office of Control, which of all others required a position of independence, and on which the safety of the navy mainly depended, was deprived of all its important attributes. For two years the opposition called the attention of Parliament to these destructive changes, but Parliament and the nation were alike insensible. Full of other business, they could not give a thought to what they looked upon merely as captious criticism. It requires a great disaster to command the attention of England; and when

the Captain was lost, and when they had the detail of the perilous voyage of the Megara, then public indignation demanded a complete change in this renovating administration of the navy.

And what has occurred? It is only a few weeks since that in the House of Commons I heard the naval statement made by a new First Lord [Mr. Goschen], and it consisted only of the rescinding of all the revolutionary changes of his predecessor, the mischief of every one of which during the last two years has been pressed upon the attention of Parliament and the country by that constitutional and necessary body, the Opposition. Gentlemen, it will not do for me — considering the time I have already occupied, and there are still some subjects of importance that must be touched — to dwell upon any of the other similar topics, of which there is a rich abundance. I doubt not there is in this hall more than one farmer who has been alarmed by the suggestion that his agricultural machinery should be taxed.

I doubt not there is in this hall more than one publican who remembers that last year an act of Parliament was introduced to denounce him as a "sinner." I doubt not there are in this hall a widow and an orphan who remember the profligate proposition to plunder their lonely heritage. But, gentlemen, as time advanced it was not difficult to perceive that extravagance was being substituted for energy by the government. The unnatural stimulus was subsiding. Their paroxysms ended in prostration. Some took refuge in melancholy, and their eminent chief alternated between a menace and a sigh. As I sat opposite the treasury bench the ministers reminded me of one of those marine landscapes not very unusual on the coast of South America. You behold a range of exhausted volcanoes. Not a flame flickers on a single pallid crest. But the situation is still dangerous. There are occasional earthquakes, and ever and anon the dark rumbling of the sea.

But, gentlemen, there is one other topic on which I must touch. If the management of our domestic affairs has been founded upon a principle of violence, that certainly cannot be alleged against the management of our external relations. I know the difficulty of addressing a body of Englishmen on these topics. The very phrase "Foreign Affairs" makes an Englishman convinced that I am about to treat of subjects with which he has no concern. Unhappily the relations of England to the rest of the world, which are "Foreign Affairs," are the matters which

most influence his lot. Upon them depends the increase or reduction of taxation. Upon them depends the enjoyment or the embarrassment of his industry. And yet, though so momentous are the consequences of the mismanagement of our foreign relations, no one thinks of them till the mischief occurs and then it is found how the most vital consequences have been occasioned by mere inadvertence.

I will illustrate this point by two anecdotes. Since I have been in public life there has been for this country a great calamity and there is a great danger, and both might have been avoided. The calamity was the Crimean War. You know what were the consequences of the Crimean War: A great addition to your debt, an enormous addition to your taxation, a cost more precious than your treasure — the best blood of England. Half a million of men, I believe, perished in that great undertaking. Nor are the evil consequences of that war adequately described by what I have said. All the disorders and disturbances of Europe, those immense armaments that are an incubus on national industry and the great obstacle to progressive civilization, may be traced and justly attributed to the Crimean War. And yet the Crimean War need never have occurred.

When Lord Derby acceded to office, against his own wishes, in 1852, the Liberal party most unconstitutionally forced him to dissolve Parliament at a certain time by stopping the supplies, or at least by limiting the period for which they were voted. There was not a single reason to justify that course, for Lord Derby had only accepted office, having once declined it, on the renewed application of his sovereign. The country, at the dissolution, increased the power of the Conservative party, but did not give to Lord Derby a majority, and he had to retire from power. There was not the slightest chance of a Crimean War when he retired from office; but the Emperor of Russia, believing that the successor of Lord Derby was no enemy to Russian aggression in the East, commenced those proceedings, with the result of which you are familiar. I speak of what I know, not of what I believe, but of what I have evidence in my possession to prove — that the Crimean War never would have happened if Lord Derby had remained in office.

The great danger is the present state of our relations with the United States. When I acceded to office I did so, so far as regarded the United States of America, with some advantage.

During the whole of the Civil War in America both my noble friend near me and I had maintained a strict and fair neutrality. This was fully appreciated by the government of the United States, and they expressed their wish that with our aid the settlement of all differences between the two governments should be accomplished. They sent here a plenipotentiary, an honorable gentleman, very intelligent and possessing general confidence. My noble friend near me, with great ability, negotiated a treaty for the settlement of all these claims. He was the first minister who proposed to refer them to arbitration, and the treaty was signed by the American government. It was signed, I think, on November 10th, on the eve of the dissolution of Parliament. The borough elections that first occurred proved what would be the fate of the ministry, and the moment they were known in America the American government announced that Mr. Reverdy Johnson, the American minister, had mistaken his instructions, and they could not present the treaty to the Senate for its sanction — the sanction of which there had been previously no doubt.

But the fact is that, as in the case of the Crimean War, it was supposed that our successors would be favorable to Russian aggression, so it was supposed that by the accession to office of Mr. Gladstone and a gentleman you know well, Mr. Bright, the American claims would be considered in a very different spirit. How they have been considered is a subject which, no doubt, occupies deeply the minds of the people of Lancashire. Now, gentlemen, observe this — the question of the Black Sea involved in the Crimean War, the question of the American claims involved in our negotiations with Mr. Johnson, are the two questions that have again turned up, and have been the two great questions that have been under the management of his government.

How have they treated them? Prince Gortschakoff, thinking he saw an opportunity, announced his determination to break from the Treaty of Paris, and terminate all the conditions hostile to Russia which had been the result of the Crimean War. What was the first movement on the part of our government is at present a mystery. This we know, that they selected the most rising diplomatist of the day and sent him to Prince Bismarck with a declaration that the policy of Russia, if persisted in, was war with England. Now, gentlemen, there was not the slightest chance of Russia going to war with England, and no necessity, as I shall

always maintain, of England going to war with Russia. I believe I am not wrong in stating that the Russian government was prepared to withdraw from the position they had rashly taken; but suddenly her Majesty's government, to use a technical phrase, threw over the plenipotentiary, and, instead of threatening war, if the Treaty of Paris were violated, agreed to arrangements by which the violation of that treaty should be sanctioned by England, and, in the form of a congress, showed themselves guaranteeing their own humiliation. That Mr. Odo Russell made no mistake is quite obvious, because he has since been selected to be her Majesty's ambassador at the most important court of Europe. Gentlemen, what will be the consequence of this extraordinary weakness on the part of the British government it is difficult to foresee. Already we hear that Sebastopol is to be refortified, nor can any man doubt that the entire command of the Black Sea will soon be in the possession of Russia. The time may not be distant when we may hear of the Russian power in the Persian Gulf, and what effect that may have upon the dominions of England and upon those possessions on the productions of which you every year more and more depend, are questions upon which it will be well for you on proper occasions to meditate.

I come now to that question which most deeply interests you at this moment, and that is our relations with the United States. I approved the government referring this question to arbitration. It was only following the policy of Lord Stanley. My noble friend disapproved the negotiations being carried on at Washington. I confess that I would willingly have persuaded myself that this was not a mistake, but reflection has convinced me that my noble friend was right. I remember the successful negotiation of the Clayton-Bulwer treaty by Sir Henry Bulwer. I flattered myself that treaties at Washington might be successfully negotiated; but I agree with my noble friend that his general view was far more sound than my own. But no one, when that commission was sent forth, for a moment could anticipate the course of its conduct under the strict injunctions of the government. We believed that commission was sent to ascertain what points should be submitted to arbitration, to be decided by the principles of the law of nations. We had not the slightest idea that that commission was sent with power and instructions to alter the law of nations itself. When that result was announced, we expressed our entire disapprobation; and yet

trusting to the representations of the government that matters were concluded satisfactorily, we had to decide whether it were wise, if the great result was obtained, to wrangle upon points, however important, such as those to which I have referred.

Gentlemen, it appears that, though all parts of England were ready to make those sacrifices, the two negotiating States — the government of the United Kingdom and the government of the United States — placed a different interpretation upon the treaty when the time had arrived to put its provisions into practice. Gentlemen, in my mind, and in the opinion of my noble friend near me, there was but one course to take under the circumstances, painful as it might be, and that was at once to appeal to the good feeling and good sense of the United States, and, stating the difficulty, to invite confidential conference whether it might not be removed. But her Majesty's government took a different course. On December 15th her Majesty's government were aware of a contrary interpretation being placed on the Treaty of Washington by the American government. The prime minister received a copy of their counter case, and he confessed he had never read it. He had a considerable number of copies sent to him to distribute among his colleagues, and you remember, probably, the remarkable statement in which he informed the house that he had distributed those copies to everybody except those for whom they were intended.

Time went on, and the adverse interpretation of the American government oozed out, and was noticed by the press. Public alarm and public indignation were excited; and it was only seven weeks afterward, on the very eve of the meeting of Parliament, — some twenty-four hours before the meeting of Parliament, — that her Majesty's government felt they were absolutely obliged to make a "friendly communication" to the United States that they had arrived at an interpretation of the treaty the reverse of that of the American government. What was the position of the American government? Seven weeks had passed without their having received the slightest intimation from her Majesty's ministers. They had circulated their case throughout the world. They had translated it into every European language. It had been sent to every court and cabinet, to every sovereign and prime minister. It was impossible for the American government to recede from their position, even if they had believed it to be an erroneous one. And then, to aggravate the difficulty,

the prime minister goes down to Parliament, declares that there is only one interpretation to be placed on the treaty, and defies and attacks everybody who believes it susceptible of another.

Was there ever such a combination of negligence and blundering? And now, gentlemen, what is about to happen? All we know is that her Majesty's ministers are doing everything in their power to evade the cognizance and criticism of Parliament. They have received an answer to their "friendly communication"; of which, I believe, it has been ascertained that the American government adhere to their interpretation; and yet they prolong the controversy. What is about to occur it is unnecessary for one to predict; but if it be this—if after a fruitless ratiocination worthy of a schoolman, we ultimately agree so far to the interpretation of the American government as to submit the whole case to arbitration, with feeble reservation of a protest, if it be decided against us, I venture to say that we shall be entering on a course not more distinguished by its feebleness than by its impending peril. There is before us every prospect of the same incompetence that distinguished our negotiations respecting the independence of the Black Sea; and I fear that there is every chance that this incompetence will be sealed by our ultimately acknowledging these direct claims of the United States, which, both as regards principle and practical results, are fraught with the utmost danger to this country. Gentlemen, don't suppose, because I counsel firmness and decision at the right moment, that I am of that school of statesmen who are favorable to a turbulent and aggressive diplomacy. I have resisted it during a great part of my life. I am not unaware that the relations of England to Europe have undergone a vast change during the century that has just elapsed. The relations of England to Europe are not the same as they were in the days of Lord Chatham or Frederick the Great. The Queen of England has become the sovereign of the most powerful of Oriental States. On the other side of the globe there are now establishments belonging to her, teeming with wealth and population, which will, in due time, exercise their influence over the distribution of power. The old establishments of this country, now the United States of America, throw their lengthening shades over the Atlantic, which mix with European waters. These are vast and novel elements in the distribution of power. I acknowledge that the policy of England with respect to Europe should be

a policy of reserve, but proud reserve; and in answer to those statesmen — those mistaken statesmen who have intimated the decay of the power of England and the decline of its resources, I express here my confident conviction that there never was a moment in our history when the power of England was so great and her resources so vast and inexhaustible.

And yet, gentlemen, it is not merely our fleets and armies, our powerful artillery, our accumulated capital, and our unlimited credit on which I so much depend, as upon that unbroken spirit of her people, which I believe was never prouder of the imperial country to which they belong. Gentlemen, it is to that spirit that I above all things trust. I look upon the people of Lancashire as fairly representative of the people of England. I think the manner in which they have invited me here, locally a stranger, to receive the expression of their cordial sympathy, and only because they recognize some effort on my part to maintain the greatness of their country, is evidence of the spirit of the land. I must express to you again my deep sense of the generous manner in which you have welcomed me, and in which you have permitted me to express to you my views upon public affairs. Proud of your confidence, and encouraged by your sympathy, I now deliver to you, as my last words, the cause of the Tory party, of the English constitution, and of the British empire.

THE VENERABLE BEDE

(672–735)

THE VENERABLE BEDE, "The father of English literature," was born about 672 in the county of Durham. The Anglo-Saxons, whose earliest historian he was, had been converted by St. Austin and others by the then not unusual process of preaching to the king until he was persuaded to renounce heathenism both for himself and his subjects. Bede, though born among a people not greatly addicted either to religion or letters, became a remarkable preacher, scholar, and thinker. Professionally a preacher, his sermons are interesting, chiefly because they are the earliest specimens of oratory extant from any Anglo-Saxon public speaker.

Best known as the author of the 'Ecclesiastical History of England,' Bede was a most prolific writer. He left a very considerable collection of sermons or homilies, many of which are still extant. He also wrote on science, on poetic art, on medicine, philosophy, and rhetoric, not to mention his hymns and his 'Book of Epigrams in Heroic and Elegaic Verse'—all very interesting and some of them valuable, as any one may see who will take the trouble to read them in his simple and easily understood Latin. It is a pity, however, that they are not adequately translated and published in a shape which would make the father of English eloquence the first English rhetorician, as he was the first English philosopher, poet, and historian, more readily accessible to the general public.

Bede's sermons deal very largely in allegory, and though he may have been literal in his celebrated suggestions of the horrors of hell—which were certainly literally understood by his hearers—it is pertinent to quote in connection with them his own assertion, that "he who knows how to interpret allegorically will see that the inner sense excels the simplicity of the letter as apples do leaves."

Bede's reputation spread not only through England but throughout Western Europe and to Rome. Attempts were made to thrust honors on him, but he refused them for fear they would prevent him from learning. He taught in a monastery at Jarrow where at one time he had six hundred monks and many strangers attending on his discourses.

He died in 735, just as he had completed the first translation of the Gospel of John ever made into any English dialect. The present

Anglo-Saxon version, generally in use among English students, is supposed to include that version if not actually to present its exact language. The King James version comes from Bede's in a direct line of descent through Wycliff and Tyndale.

THE MEETING OF MERCY AND JUSTICE

THERE was a certain father of a family, a powerful king, who had four daughters, of whom one was called Mercy, the second Truth, the third Justice, the fourth Peace; of whom it is said, "Mercy and Truth are met together; Justice and Peace have kissed each other." He had also a certain most wise son, to whom no one could be compared in wisdom. He had, also, a certain servant, whom he had exalted and enriched with great honor: for he had made him after his own likeness and similitude, and that without any preceding merit on the servant's part. But the Lord, as is the custom with such wise masters, wished prudently to explore, and to become acquainted with, the character and the faith of his servant, whether he were trustworthy towards himself or not; so he gave him an easy commandment, and said, "If you do what I tell you, I will exalt you to further honors; if not, you shall perish miserably."

The servant heard the commandment, and without any delay went and broke it. Why need I say more? Why need I delay you by my words and by my tears? This proud servant, stiff-necked, full of contumely, and puffed up with conceit, sought an excuse for his transgression, and retorted the whole fault on his Lord. For when he said, "the woman whom thou gavest to be with me, she deceived me," he threw all the fault on his Maker. His Lord, more angry for such contumelious conduct than for the transgression of his command, called four most cruel executioners, and commanded one of them to cast him into prison, another to afflict him with grievous torments; the third to strangle him, and the fourth to behead him. By and by, when occasion offers, I will give you the right name of these tormentors.

These torturers, then, studying how they might carry out their own cruelty, took the wretched man and began to afflict him with all manner of punishments. But one of the daughters of the King, by name Mercy, when she had heard of this punishment of the servant, ran hastily to the prison, and looking in and

seeing the man given over to the tormentors, could not help having compassion upon him, for it is the property of Mercy to have pity. She tore her garments and struck her hands together, and let her hair fall loose about her neck, and crying and shrieking, ran to her father, and kneeling before his feet began to say with an earnest and sorrowful voice: "My beloved father, am not I thy daughter Mercy? and art not thou called merciful? If thou art merciful, have mercy upon thy servant; and if thou wilt not have mercy upon him, thou canst not be called merciful; and if thou art not merciful, thou canst not have me, Mercy, for thy daughter." While she was thus arguing with her father, her sister Truth came up, and demanded why it was that Mercy was weeping. "Your sister Mercy," replied the father, "wishes me to have pity upon that proud transgressor whose punishment I have appointed." Truth, when she heard this, was excessively angry, and looking sternly at her father, "Am not I," said she, "thy daughter Truth? art not thou called true? Is it not true that thou didst fix a punishment for him, and threaten him with death by torments? If thou art true, thou wilt follow that which is true; if thou art not true, thou canst not have me, Truth, for thy daughter." Here, you see, Mercy and Truth are met together. The third sister, namely, Justice, hearing this strife, contention, quarreling, and pleading, and summoned by the outcry, began to inquire the cause from Truth. And Truth, who could only speak that which was true, said, "This sister of ours, Mercy, if she ought to be called a sister who does not agree with us, desires that our father should have pity on that proud transgressor." Then Justice, with an angry countenance, and meditating on a grief which she had not expected, said to her father, "Am not I thy daughter Justice? are thou not called just? If thou art just, thou wilt exercise justice on the transgressor; if thou dost not exercise that justice, thou canst not be just; if thou art not just, thou canst not have me, Justice, for thy daughter." So here were Truth and Justice on the one side, and Mercy on the other. *Ultima coelicolum terras Astræa reliquit;* this means, that Peace fled into a far distant country. For where there is strife and contention, there is no peace; and by how much greater the contention, by so much further peace is driven away.

Peace, therefore, being lost, and his three daughters in warm discussion, the King found it an extremely difficult matter to determine what he should do, or to which side he should lean.

For, if he gave ear to Mercy, he would offend Truth and Justice; if he gave ear to Truth and Justice, he could not have Mercy for his daughter; and yet it was necessary that he should be both merciful and just, and peaceful and true. There was great need then of good advice. The father, therefore, called his wise son, and consulted him about the affair. Said the son, "Give me, my father, this present business to manage, and I will both punish the transgressor for thee, and will bring back to thee in peace thy four daughters." "These are great promises," replied the father, "if the deed only agrees with the word. If thou canst do that which thou sayest, I will act as thou shalt exhort me."

Having, therefore, received the royal mandate, the son took his sister Mercy along with him, and leaping upon the mountains, passing over the hills, came to the prison, and looking through the windows, looking through the lattice, he beheld the imprisoned servant, shut out from the present life, devoured of affliction, and from the sole of his foot even to the crown there was no soundness in him. He saw him in the power of death, because through him death entered into the world. He saw him devoured, because, when a man is once dead he is eaten of worms. And because I now have the opportunity of telling you, you shall hear the names of the four tormentors. The first, who put him in prison, is the Prison of the Present Life, of which it is said, "Woe is me that I am constrained to dwell in Mesech"; the second, who tormented him, is the Misery of the World, which besets us with all kinds of pain and wretchedness; the third, who was putting him to death, conquered death, bound the strong man, took his goods, and distributed the spoils; and ascending up on high, led captivity captive and gave gifts for men, and brought back the servant into his country, crowned with double honor, and endued with a garment of immortality. When Mercy beheld this, she had no grounds for complaint, Truth found no cause of discontent, because her father was found true. The servant had paid all his penalties. Justice in like manner complained not, because justice had been executed on the transgressor; and thus he who had been lost was found. Peace, therefore, when she saw her sisters at concord, came back and united them. And now, behold, Mercy and Truth are met together, Justice and Peace have kissed each other. Thus, therefore, by the Mediator of man and angels, man was purified and reconciled, and the hundredth sheep was brought back to the fold of God. To which

fold Jesus Christ brings us, to whom is honor and power everlasting. Amen.

A SERMON FOR ANY DAY

BELOVED BRETHREN, it is time to pass from evil to good, from darkness to light, from this most unfaithful world to everlasting joys, lest that day take us unawares in which our Lord Jesus Christ shall come to make the round world a desert, and to give over to everlasting punishment sinners who would not repent of the sins which they did. There is a great sin in lying, as saith Solomon, "The lips which lie slay the soul. The wrath of man worketh not the righteousness of God," no more doth his covetousness. Whence the Apostle saith, "The love of money and pride are the root of all evil." Pride, by which that apostate angel fell, who, as it is read in the prophecy, "despised the beginning of the ways of God. How art thou fallen from heaven!" We must avoid pride, which had power to deceive angels; how much more will it have power to deceive men! And we ought to fear envy, by which the devil deceived the first man, as it is written, "Christ was crucified through envy, therefore he that envieth his neighbor crucifieth Christ."

See that ye always expect the advent of the Judge with fear and trembling, lest he should find us unprepared; because the Apostle saith, "My days shall come as a thief in the night." Woe to them whom it shall find sleeping in sins, for "then," as we read in the Gospel, "He shall gather all nations, and shall separate them one from the other, as a shepherd divideth the sheep from the goats. Then shall the King say unto them on his right hand, Come, ye blessed of my Father," where there is no grief nor sorrow; where there is no other sound but love, and peace, and everlasting gladness with all the elect of God; where no good thing can be wanting. Then shall the righteous answer and say, Lord, why hast thou prepared such glory and such good things? He shall answer, for mercy, for faith, for piety, and truth and the like. Lord, when didst thou see these good things in us? The Lord shall answer, "Verily, I say unto you, Inasmuch as ye have done it unto one of the least of these, my brethren, ye have done it unto me, and what ye did in secret, I will reward openly." Then shall the King say unto them on his left hand, "Depart from me, ye cursed, into everlasting

fire, prepared for the devil and his angels, where shall be weeping and gnashing of teeth," and tears of eyes; where death is desired and comes not; where the worm dieth not and the fire is not quenched; where is no joy, but sorrow; where is no rest, except pain; where nothing is heard but lamentations. Then they also shall answer and say, Lord, why hast thou prepared such punishments for us? For your iniquity and malignity, the Lord shall say.

Therefore, my brethren, I beseech you, that they who are in the habits of good works would persevere in every good work; and that they who are evil would amend themselves quickly, before sudden death come upon them. While, therefore, we have time, let us do good to all men, and let us leave off doing ill, that we may attain to eternal life.

THE TORMENTS OF HELL

THE Sunday is a chosen day, in which the angels rejoice. We must ask who was the first to request that souls might (on Sunday) have rest in hell; and the answer is that Paul the Apostle and Michael the Archangel besought the Lord when they came back from hell; for it was the Lord's will that Paul should see the punishments of that place. He beheld trees all on fire, and sinners tormented on those trees; and some were hung by the feet, some by the hands, some by the hair, some by the neck, some by the tongue, and some by the arm. And again, he saw a furnace of fire burning with seven flames, and many were punished in it; and there were seven plagues round about this furnace; the first, snow; the second, ice; the third, fire, the fourth, blood; the fifth, serpents; the sixth, lightning; the seventh, stench; and in that furnace itself were the souls of the sinners who repented not in this life. There they are tormented, and every one receiveth according to his works; some weep, some howl, some groan; some burn and desire to have rest, but find it not, because souls can never die. Truly we ought to fear that place in which is everlasting dolor, in which is groaning, in which is sadness without joy, in which are abundance of tears on account of the tortures of souls; in which a fiery wheel is turned a thousand times a day by an evil angel, and at each turn a thousand souls are burnt upon it. After this he beheld a horrible river, in which were many diabolic beasts,

like fishes in the midst of the sea, which devour the souls of sinners; and over that river there is a bridge, across which righteous souls pass without dread, while the souls of sinners suffer each one according to its merits.

There Paul beheld many souls of sinners plunged, some to the knees, some to the loins, some to the mouth, some to the eyebrows; and every day and eternally they are tormented. And Paul wept, and asked who they were that were therein plunged to the knees. And the angel said, These are detractors and evil speakers; and those up to the loins are fornicators and adulterers, who returned not to repentance; and those to the mouth are they who went to Church, but they heard not the word of God; and those to the eyebrows are they who rejoiced in the wickedness of their neighbor. And after this, he saw between heaven and earth the soul of a sinner, howling betwixt seven devils, that had on that day departed from the body. And the angels cried out against it and said, Woe to thee, wretched soul! What hast thou done upon earth? Thou hast despised the commandments of God, and hast done no good works; and therefore thou shalt be cast into outer darkness, where shall be weeping and gnashing of teeth. And after this, in one moment, angels carried a soul from its body to heaven; and Paul heard the voice of a thousand angels rejoicing over it, and saying, O most happy and blessed soul! rejoice to-day, because thou hast done the will of God. And they set it in the presence of God. . . . And the angel said, Whoso keepeth the Sunday shall have his part with the angels of God. And Paul demanded of the angel, how many kinds of punishment there were in hell. And the angel said, there are a hundred and forty-four thousand, and if there were a hundred eloquent men, each having four iron tongues, that spoke from the beginning of the world, they could not reckon up the torments of hell. But let us, beloved brethren, hearing of these so great torments, be converted to our Lord that we may be able to reign with the angels.

HENRY WARD BEECHER

(1813–1887)

EVERY great orator must be a thoroughly representative man, sensitive enough to be moved to the depths of his nature by the master-passions of his time. Henry Ward Beecher was a very great orator,—one of the greatest the country has produced,—and in his speeches and orations inspired by the feelings which evolved the Civil War and were themselves exaggerated by it to tenfold strength, we feel all the volcanic forces which buried the primitive political conditions of the United States deep under the ashes and lava of their eruption. Words are feeble in the presence of the facts of such a war. But what more could words do to suggest its meaning than they do in Mr. Beecher's oration on the raising of the flag at Fort Sumter, April 14th, 1865:—

«The soil has drunk blood and is glutted. Millions mourn for myriads slain, or, envying the dead, pray for oblivion. Towns and villages have been razed. Fruitful fields have been turned back to wilderness. It came to pass as the prophet had said: 'The sun was turned to darkness and the moon to blood.' The course of the law was ended. The sword sat chief magistrate in half the nation; industry was paralyzed; morals corrupted; the public weal invaded by rapine and anarchy; whole States were ravaged by avenging armies. The world was amazed. The earth reeled.»

In such passages, Mr. Beecher has something of the force which immortalized the «Voluspa.» The «bardic inspiration,» which moved the early Norse poets to sing the bloody results of the «Berserker fury,» peculiar to the Teutonic and Norse peoples, seems to control him as he recounts the dreadful features of the war and reminds the vanquished of the meaning of defeat.

In considering the oratory inspired by the passions which found their climax in the destructiveness of civil war,—and especially in considering such magnificent outbursts as Mr. Beecher's oration at Fort Sumter, intelligence will seek to free itself alike from sympathy and from prejudice that it may the better judge the effect of the general mind of the people on the orator, and the extent to which that general mind as he voiced it, was influenced by the strength of his individuality. If when we ourselves are moved by no passion we judge with critical calmness the impassioned utterances of the

HENRY WARD BEECHER.

Photogravure after a Portrait from Life.

ONE of Mr. Beecher's portraits is more strikingly characteristic than this, taken at an age when his great intellect and strong emotions had stamped their index on his face.

orators of any great epoch of disturbance, we can hardly fail to be repelled by much that the critical faculties will reject as exaggeration. But taking into account the environment, the traditions, the public opinion, the various general or individual impulses which influenced the oratory of one side or the other, we can the better determine its true relation to the history of the human intellect and that forward movement of the world which is but a manifestation of the education of intellect.

Mr. Beecher had the temperament, the habits, the physique of the orator. His ancestry, his intellectual training, his surroundings, fitted him to be a prophet of the crusade against slavery. Of those names which for a time were bruited everywhere as a result of the struggles of the three decades from 1850 to 1880, a majority are already becoming obscure, and in another generation most of the rest will be «names only» to all who are not students of history as a specialty. But the mind in Henry Ward Beecher was so representative; he was so fully mastered by the forces which sent Sherman on his march to the sea and Grant to his triumph at Appomattox, that he will always be remembered as one of the greatest orators of the Civil War period. Perhaps when the events of the war are so far removed in point of time as to make a critical judgment really possible, he may even rank as the greatest.

RAISING THE FLAG OVER FORT SUMTER

(Delivered April 14th, 1865, by request of President Lincoln)

ON THIS solemn and joyful day we again lift to the breeze our fathers' flag, now again the banner of the United States, with the fervent prayer that God will crown it with honor, protect it from treason, and send it down to our children, with all the blessings of civilization, liberty, and religion. Terrible in battle, may it be beneficent in peace. Happily, no bird or beast of prey has been inscribed upon it. The stars that redeem the night from darkness, and the beams of red light that beautify the morning, have been united upon its folds. As long as the sun endures, or the stars, may it wave over a nation neither enslaved nor enslaving! Once, and but once, has treason dishonored it. In that insane hour when the guiltiest and bloodiest rebellion of all time hurled their fires upon this fort, you, sir [turning to General Anderson], and a small, heroic band, stood within these now crumbled walls, and did gallant and just battle for the honor and defense of the nation's banner. In that cope of fire,

that glorious flag still peacefully waved to the breeze above your head, unconscious of harm as the stars and skies above it. Once it was shot down. A gallant hand, in whose care this day it has been, plucked it from the ground, and reared it again — "cast down, but not destroyed." After a vain resistance, with trembling hand and sad heart, you withdrew it from its height, closed its wings, and bore it far away, sternly to sleep amid the tumults of rebellion, and the thunder of battle. The first act of war had begun. The long night of four years had set in. While the giddy traitors whirled in a maze of exhilaration, dim horrors were already advancing, that were ere long to fill the land with blood. To-day you are returned again. We devoutly join with you in thanksgiving to Almighty God that he has spared your honored life, and vouchsafed to you the glory of this day. The heavens over you are the same, the same shores are here, morning comes, and evening, as they did. All else, how changed! What grim batteries crowd the burdened shores! What scenes have filled this air, and disturbed these waters! These shattered heaps of shapeless stone are all that is left of Fort Sumter. Desolation broods in yonder city — solemn retribution hath avenged our dishonored banner! You have come back with honor, who departed hence four years ago, leaving the air sultry with fanaticism. The surging crowds that rolled up their frenzied shouts as the flag came down, are dead, or scattered, or silent, and their habitations are desolate. Ruin sits in the cradle of treason. Rebellion has perished. But there flies the same flag that was insulted. With starry eyes it looks over this bay for the banner that supplanted it, and sees it not. You that then, for the day, were humbled, are here again, to triumph once and forever. In the storm of that assault this glorious ensign was often struck; but, memorable fact, not one of its stars was torn out by shot or shell. It was a prophecy. It said: "Not a State shall be struck from this nation by treason!" The fulfillment is at hand. Lifted to the air to-day, it proclaims that after four years of war, "Not a State is blotted out." Hail to the flag of our fathers, and our flag! Glory to the banner that has gone through four years black with tempests of war, to pilot the nation back to peace without dismemberment! And glory be to God, who, above all hosts and banners, hath ordained victory, and shall ordain peace. Wherefore have we come hither, pilgrims from distant places? Are we come to exult that Northern hands are stronger than Southern?

No; but to rejoice that the hands of those who defend a just and beneficent government are mightier than the hands that assaulted it. Do we exult over fallen cities? We exult that a nation has not fallen. We sorrow with the sorrowful. We sympathize with the desolate. We look upon this shattered fort and yonder dilapidated city with sad eyes, grieved that men should have committed such treason, and glad that God hath set such a mark upon treason that all ages shall dread and abhor it. We exult, not for a passion gratified, but for a sentiment victorious; not for temper, but for conscience; not, as we devoutly believe, that our will is done, but that God's will hath been done. We should be unworthy of that liberty intrusted to our care, if, on such a day as this, we sullied our hearts by feelings of aimless vengeance; and equally unworthy if we did not devoutly thank him who hath said: "Vengeance is mine, I will repay, saith the Lord," that he hath set a mark upon arrogant rebellion, ineffaceable while time lasts.

Since this flag went down on that dark day, who shall tell the mighty woes that have made this land a spectacle to angels and men? The soil has drunk blood and is glutted. Millions mourn for myriads slain, or, envying the dead, pray for oblivion. Towns and villages have been razed. Fruitful fields have been turned back to wilderness. It came to pass, as the prophet said: "The sun was turned to darkness and the moon to blood." The course of law was ended. The sword sat chief magistrate in half the nation; industry was paralyzed; morals corrupted; the public weal invaded by rapine and anarchy; whole States ravaged by avenging armies. The world was amazed. The earth reeled. When the flag sunk here, it was as if political night had come, and all beasts of prey had come forth to devour. That long night is ended. And for this returning day we have come from afar to rejoice and give thanks. No more war. No more accursed secession. No more slavery, that spawned them both. Let no man misread the meaning of this unfolding flag! It says: "Government has returned hither." It proclaims, in the name of vindicated government, peace and protection to loyalty, humiliation and pains to traitors. This is the flag of sovereignty. The nation, not the States, is sovereign. Restored to authority, this flag commands, not supplicates. There may be pardon, but no concession. There may be amnesty and oblivion, but no honeyed compromises. The nation to-day has peace for the peaceful, and

war for the turbulent. The only condition to submission is to submit! There is the Constitution, there are the laws, there is the government. They rise up like mountains of strength that shall not be moved. They are the conditions of peace. One nation, under one government, without slavery, has been ordained, and shall stand. There can be peace on no other basis. On this basis reconstruction is easy, and needs neither architect nor engineer. Without this basis no engineer nor architect shall ever reconstruct these rebellious States. We do not want your cities or your fields. We do not envy you your prolific soil, nor heavens full of perpetual summer. Let agriculture revel here; let manufactures make every stream twice musical; build fleets in every port; inspire the arts of peace with genius second only to that of Athens, and we shall be glad in your gladness, and rich in your wealth. All that we ask is unswerving loyalty and universal liberty. And that, in the name of this high sovereignty of the United States of America, we demand; and that, with the blessing of Almighty God, we will have! We raise our fathers' banner that it may bring back better blessings than those of old; that it may cast out the devil of discord; that it may restore lawful government, and a prosperity purer and more enduring than that which it protected before; that it may win parted friends from their alienation; that it may inspire hope, and inaugurate universal liberty; that it may say to the sword, "Return to thy sheath"; and to the plow and sickle, "Go forth"; that it may heal all jealousies, unite all policies, inspire a new national life, compact our strength, purify our principles, ennoble our national ambitions, and make this people great and strong, not for agression and quarrelsomeness, but for the peace of the world, giving to us the glorious prerogative of leading all nations to juster laws, to more humane policies, to sincerer friendship, to rational, instituted civil liberty, and to universal Christian brotherhood. Reverently, piously, in hopeful patriotism, we spread this banner on the sky, as of old the bow was painted on the cloud, and, with solemn fervor, beseech God to look upon it, and make it a memorial of an everlasting covenant and decree that never again on this fair land shall a deluge of blood prevail. Why need any eye turn from this spectacle? Are there not associations which, overleaping the recent past, carry us back to times when, over North and South, this flag was honored alike by all? In all our colonial days we were one; in the long revolutionary struggle,

and in the scores of prosperous years succeeding, we were united. When the passage of the Stamp Act in 1765 aroused the colonies, it was Gadsden, of South Carolina, that cried, with prescient enthusiasm, "We stand on the broad common ground of those natural rights that we all feel and know as men. There ought to be no New England man, no New Yorker, known on this continent, but all of us," said he, "Americans." That was the voice of South Carolina. That shall be the voice of South Carolina. Faint is the echo; but it is coming. We now hear it sighing sadly through the pines; but it shall yet break in thunder upon the shore. No North, no West, no South, but the United States of America. There is scarcely a man born in the South who has lifted his hand against this banner but had a father who would have died for it. Is memory dead? Is there no historic pride? Has a fatal fury struck blindness or hate into eyes that used to look kindly towards each other, that read the same Bible, that hung over the historic pages of our national glory, that studied the same Constitution? Let this uplifting bring back all of the past that was good, but leave in darkness all that was bad. It was never before so wholly unspotted; so clear of all wrong; so purely and simply the sign of justice and liberty. Did I say that we brought back the same banner that you bore away, noble and heroic sir? It is not the same. It is more and better than it was. The land is free from slavery since that banner fell.

When God would prepare Moses for emancipation, he overthrew his first steps and drove him for forty years to brood in the wilderness. When our flag came down, four years it lay brooding in darkness. It cried to the Lord, "Wherefore am I deposed?" Then arose before it a vision of its sin. It had strengthened the strong, and forgotten the weak. It proclaimed liberty, but trod upon slaves. In that seclusion it dedicated itself to liberty. Behold, to-day, it fulfills its vows! When it went down four million people had no flag. To-day it rises, and four million people cry out, "Behold our flag!" Hark! they murmur. It is the Gospel that they recite in sacred words: "It is a Gospel to the poor, it heals our broken hearts, it preaches deliverance to captives, it gives sight to the blind, it sets at liberty them that are bruised." Rise up then, glorious Gospel banner, and roll out these messages of God. Tell the air that not a spot now sullies thy whiteness. Thy red is not the blush of shame, but the flush of joy. Tell the dews that wash thee that thou art as pure as

they. Say to the night that thy stars lead toward the morning; and to the morning, that a brighter day arises with healing in its wings. And then, O glowing flag, bid the sun pour light on all thy folds with double brightness while thou art bearing round and round the world the solemn joy—a race set free! a nation redeemed! The mighty hand of government, made strong in war by the favor of the God of Battles, spreads wide to-day the banner of liberty that went down in darkness, that arose in light; and there it streams, like the sun above it, neither parceled out nor monopolized, but flooding the air with light for all mankind. Ye scattered and broken, ye wounded and dying, bitten by the fiery serpents of oppression, everywhere, in all the world, look upon this sign, lifted up, and live! And ye homeless and houseless slaves, look, and ye are free! At length you, too, have part and lot in this glorious ensign that broods with impartial love over small and great, the poor and the strong, the bond and the free. In this solemn hour, let us pray for the quick coming of reconciliation and happiness under this common flag. But we must build again, from the foundations, in all these now free Southern States. No cheap exhortations "to forgetfulness of the past, to restore all things as they were," will do. God does not stretch out his hand, as he has for four dreadful years, that men may easily forget the might of his terrible acts. Restore things as they were! What, the alienations and jealousies, the discords and contentions, and the causes of them? No. In that solemn sacrifice on which a nation has offered for its sins so many precious victims, loved and lamented, let our sins and mistakes be consumed utterly and forever. No, never again shall things be restored as before the war. It is written in God's decree of events fulfilled, "Old things are passed away." That new earth, in which dwelleth righteousness, draws near. Things as they were! Who has an omnipotent hand to restore a million dead, slain in battle or wasted by sickness, or dying of grief, broken-hearted? Who has omniscience to search for the scattered ones? Who shall restore the lost to broken families? Who shall bring back the squandered treasure, the years of industry wasted, and convince you that four years of guilty rebellion and cruel war are no more than dirt upon the hand, which a moment's washing removes and leaves the hand clean as before? Such a war reaches down to the very vitals of society. Emerging from such a prolonged rebellion, he is blind who tells

you that the State, by a mere amnesty and benevolence of government, can be put again, by a mere decree, in its old place. It would not be honest, it would not be kind or fraternal, for me to pretend that Southern revolution against the Union has not reacted, and wrought revolution in the Southern States themselves, and inaugurated a new dispensation. Society here is like a broken loom, and the piece which Rebellion put in, and was weaving, has been cut, and every thread broken. You must put in new warp and new woof, and weaving anew, as the fabric slowly unwinds we shall see in it no Gorgon figures, no hideous grotesques of the old barbarism, but the figures of liberty, vines, and golden grains, framing in the heads of justice, love, and liberty. The august convention of 1787 formed the Constitution with this memorable preamble: "We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain this Constitution for the United States of America." Again, in the awful convention of war, the people of the United States, for the very ends just recited, have debated, settled, and ordained certain fundamental truths, which must henceforth be accepted and obeyed. Nor is any State nor any individual wise who shall disregard them. They are to civil affairs what the natural laws are to health — indispensable conditions of peace and happiness. What are the ordinances given by the people, speaking out of fire and darkness of war, with authority inspired by that same God who gave the law from Sinai amid thunders and trumpet voices? 1. That these United States shall be one and indivisible. 2. That States have not absolute sovereignty, and have no right to dismember the Republic. 3. That universal liberty is indispensable to republican government, and that slavery shall be utterly and forever abolished.

Such are the results of war! These are the best fruits of the war. They are worth all they have cost. They are foundations of peace. They will secure benefits to all nations as well as to ours. Our highest wisdom and duty is to accept the facts as the decrees of God. We are exhorted to forget all that has happened. Yes, the wrath, the conflict, the cruelty, but not those overruling decrees of God which this war has pronounced. As solemnly as on Mount Sinai, God says, "Remember! remember!" Hear it to-day. Under this sun, under that bright child of the

sun, our banner, with the eyes of this nation and of the world upon us, we repeat the syllables of God's providence and recite the solemn decrees: No more Disunion! No more Secession! No more Slavery! Why did this civil war begin? We do not wonder that European statesmen failed to comprehend this conflict, and that foreign philanthropists were shocked at a murderous war that seemed to have no moral origin, but, like the brutal fights of beasts of prey, to have sprung from ferocious animalism. This great nation, filling all profitable latitudes, cradled between two oceans, with inexhaustible resources, with riches increasing in an unparalleled ratio, by agriculture, by manufactures, by commerce, with schools and churches, with books and newspapers thick as leaves in our own forests, with institutions sprung from the people, and peculiarly adapted to their genius; a nation not sluggish, but active, used to excitement, practiced in political wisdom, and accustomed to self-government, and all its vast outlying parts held together by the Federal government, mild in temper, gentle in administration, and beneficent in results, seemed to have been formed for peace. All at once, in this hemisphere of happiness and hope, there came trooping clouds with fiery bolts, full of death and desolation. At a cannon shot upon this fort, all the nation, as if it had been a trained army lying on its arms, awaiting a signal, rose up and began a war which, for awfulness, rises into the front rank of bad eminence. The front of the battle, going with the sun, was twelve hundred miles long; and the depth, measured along a meridian, was a thousand miles. In this vast area more than two million men, first and last, for four years, have, in skirmish, fight, and battle, met in more than a thousand conflicts; while a coast and river line, not less than four thousand miles in length, has swarmed with fleets freighted with artillery. The very industry of the country seemed to have been touched by some infernal wand, and, with sudden wheel, changed its front from peace to war. The anvils of the land beat like drums. As out of the ooze emerge monsters, so from our mines and foundries uprose new and strange machines of war, ironclad. And so, in a nation of peaceful habits, without external provocation, there arose such a storm of war as blackened the whole horizon and hemisphere. What wonder that foreign observers stood amazed at this fanatical fury, that seemed without Divine guidance, but inspired wholly with infernal frenzy. The explosion was sudden, but the train had long been laid. We

must consider the condition of Southern society, if we would understand the mystery of this iniquity. Society in the South resolves itself into three divisions, more sharply distinguished than in any other part of the nation. At the base is the laboring class, made up of slaves. Next is the middle class, made up of traders, small farmers, and poor men. The lower edge of this class touches the slave, and the upper edge reaches up to the third and ruling class. This class was a small minority in numbers, but in practical ability they had centred in their hands the whole government of the South, and had mainly governed the country. Upon this polished, cultured, exceedingly capable, and wholly unprincipled(?) class, rests the whole burden of this war. Forced up by the bottom heat of slavery, the ruling class in all the disloyal States arrogated to themselves a superiority not compatible with republican equality, nor with just morals. They claimed a right of pre-eminence. An evil prophet arose who trained these wild and luxuriant shoots of ambition to the shapely form of a political philosophy. By its reagents they precipitated drudgery to the bottom of society, and left at the top what they thought to be a clarified fluid. In their political economy, labor was to be owned by capital; in their theory of government, the few were to rule the many. They boldly avowed, not the fact alone, that, under all forms of government, the few rule the many, but their right and duty to do so. Set free from the necessity of labor, they conceived a contempt for those who felt its wholesome regimen. Believing themselves foreordained to supremacy, they regarded the popular vote, when it failed to register their wishes, as an intrusion and a nuisance. They were born in a garden, and popular liberty, like freshets overswelling their banks, but covered their dainty walks and flowers with slime and mud — of democratic votes. When, with shrewd observation, they saw the growth of the popular element in the Northern States, they instinctively took in the inevitable events. It must be controlled or cut off from a nation governed by gentlemen! Controlled, less and less, could it be in every decade; and they prepared secretly, earnestly, and with wide conference and mutual connivance, to separate the South from the North. We are to distinguish between the pretenses and means, and the real causes of this war. To inflame and unite the great middle class of the South, who had no interest in separation and no business with war, they alleged grievances that never existed, and employed

arguments which they, better than all other men, knew to be specious and false.

Slavery itself was cared for only as an instrument of power or of excitement. They had unalterably fixed their eye upon empire, and all was good which would secure that, and bad which hindered it. Thus, the ruling class of the South — an aristocracy as intense, proud, and inflexible as ever existed — not limited either by customs or institutions, not recognized and adjusted in the regular order of society, playing a reciprocal part in its machinery, but secret, disowning its own existence, baptized with ostentatious names of democracy, obsequious to the people for the sake of governing them; this nameless, lurking aristocracy, that ran in the blood of society like a rash not yet come to the skin; this political tapeworm, that produced nothing, but lay coiled in the body, feeding on its nutriment, and holding the whole structure to be but a servant set up to nourish it — this aristocracy of the plantation, with firm and deliberate resolve, brought on the war, that they might cut the land in two, and, clearing themselves from an incorrigibly free society, set up a sterner, statelier empire, where slaves worked that gentlemen might live at ease. Nor can there be any doubt that though, at first, they meant to erect the form of republican government, this was but a device, a step necessary to the securing of that power by which they should be able to change the whole economy of society. That they never dreamed of such a war, we may well believe. That they would have accepted it, though twice as bloody, if only thus they could rule, none can doubt that knows the temper of these worst men of modern society. But they miscalculated. They understood the people of the South; but they were totally incapable of understanding the character of the great working classes of the loyal States. That industry, which is the foundation of independence, and so of equity, they stigmatized as stupid drudgery, or as mean avarice. That general intelligence and independence of thought which schools for the common people and newspapers breed, they reviled as the incitement of unsettled zeal, running easily into fanaticism. They more thoroughly misunderstood the profound sentiment of loyality, the deep love of country, which pervaded the common people. If those who knew them best had never suspected the depth and power of that love of country which threw it into an agony of grief when the flag was here humbled,

how should they conceive of it who were wholly disjoined from them in sympathy? The whole land rose up, you remember, when the flag came down, as if inspired unconsciously by the breath of the Almighty, and the power of omnipotence. It was as when one pierces the banks of the Mississippi for a rivulet, and the whole raging stream plunges through with headlong course. There they calculated, and miscalculated! And more than all, they miscalculated the bravery of men who have been trained under law, who are civilized and hate personal brawls, who are so protected by society as to have dismissed all thought of self-defense, the whole force of whose life is turned to peaceful pursuits. These arrogant conspirators against government, with Chinese vanity, believed that they could blow away these self-respecting citizens as chaff from the battlefield. Few of them are left alive to ponder their mistake! Here, then, are the roots of this civil war. It was not a quarrel of wild beasts, it was an inflection of the strife of ages, between power and right, between ambition and equity. An armed band of pestilent conspirators sought the nation's life. Her children rose up and fought at every door and room and hall, to thrust out the murderers and save the house and household. It was not legitimately a war between the common people of the North and South. The war was set on by the ruling class, the aristocratic conspirators of the South. They suborned the common people with lies, with sophistries, with cruel deceits and slanders, to fight for secret objects which they abhorred, and against interests as dear to them as their own lives. I charge the whole guilt of this war upon the ambitious, educated, plotting, political leaders of the South. They have shed this ocean of blood. They have desolated the South. They have poured poverty through all her towns and cities. They have bewildered the imagination of the people with phantasms, and led them to believe that they were fighting for their homes and liberty, whose homes were unthreatened, and whose liberty was in no jeopardy. These arrogant instigators of civil war have renewed the plagues of Egypt, not that the oppressed might go free, but that the free might be oppressed. A day will come when God will reveal judgment, and arraign at his bar these mighty miscreants; and then, every orphan that their bloody game has made, and every widow that sits sorrowing, and every maimed and wounded sufferer, and every bereaved heart in all the wide regions of this

land, will rise up and come before the Lord to lay upon these chief culprits of modern history their awful witness. And from a thousand battlefields shall rise up armies of airy witnesses, who, with the memory of their awful sufferings, shall confront the miscreants with shrieks of fierce accusation; and every pale and starved prisoner shall raise his skinny hand in judgment. Blood shall call out for vengeance, and tears shall plead for justice, and grief shall silently beckon, and love, heart-smitten, shall wail for justice. Good men and angels will cry out: "How long, O Lord, how long, wilt thou not avenge?" And, then, these guiltiest and most remorseless traitors, these high and cultured men,— with might and wisdom, used for the destruction of their country,— the most accursed and detested of all criminals, that have drenched a continent in needless blood, and moved the foundations of their times with hideous crimes and cruelty, caught up in black clouds, full of voices of vengeance and lurid with punishment, shall be whirled aloft and plunged downwards forever and forever in an endless retribution; while God shall say, "Thus shall it be to all who betray their country"; and all in heaven and upon the earth will say "Amen!"

But for the people misled, for the multitudes drafted and driven into this civil war, let not a trace of animosity remain. The moment their willing hand drops the musket, and they return to their allegiance, then stretch out your own honest right hand to greet them. Recall to them the old days of kindness. Our hearts wait for their redemption. All the resources of a renovated nation shall be applied to rebuild their prosperity, and smooth down the furrows of war. Has this long and weary period of strife been an unmingled evil? Has nothing been gained? Yes, much. This nation has attained to its manhood. Among Indian customs is one which admits young men to the rank of warriors only after severe trials of hunger, fatigue, pain, endurance. They reach their station, not through years, but ordeals. Our nation has suffered, but now is strong. The sentiment of loyalty and patriotism, next in importance to religion, has been rooted and grounded. We have something to be proud of, and pride helps love. Never so much as now did we love our country. But four such years of education in ideas, in the knowledge of political truth, in the love of history, in the geography of our own country, almost every inch of which we have probed with the bayonet, have never passed before. There is

half a hundred years' advance in four. We believed in our institutions and principles before; but now we know their power. It is one thing to look upon artillery, and be sure that it is loaded; it is another thing to prove its power in battle! We believe in the hidden power stored in our institutions; we had never before seen this nation thundering like Mount Sinai at all those that worshiped the calf at the base of the mountain. A people educated and moral are competent to all the exigencies of national life. A vote can govern better than a crown. We have proved it. A people intelligent and religious are strong in all economic elements. They are fitted for peace and competent to war. They are not easily inflamed, and, when justly incensed, not easily extinguished. They are patient in adversity, endure cheerfully needful burdens, tax themselves to meet real wants more royally than any prince would dare to tax his people. They pour forth without stint relief for the sufferings of war, and raise charity out of the realm of a dole into a munificent duty of beneficence. The habit of industry among free men prepares them to meet the exhaustion of war with increase of productiveness commensurate with the need that exists. Their habits of skill enable them at once to supply such armies as only freedom can muster, with arms and munitions such as only free industry can create. Free society is terrible in war, and afterwards repairs the mischief of war with celerity almost as great as that with which the ocean heals the seams gashed in it by the keel of ploughing ships. Free society is fruitful of military genius. It comes when called; when no longer needed, it falls back as waves do to the level of the common sea, that no wave may be greater than the undivided water. With proof of strength so great, yet in its infancy, we stand up among the nations of the world, asking no privileges, asserting no rights, but quietly assuming our place, and determined to be second to none in the race of civilization and religion. Of all nations we are the most dangerous and the least to be feared. We need not expound the perils that wait upon enemies that assault us. They are sufficiently understood! But we are not a dangerous people because we are warlike. All the arrogant attitudes of this nation, so offensive to foreign governments, were inspired by slavery, and under the administration of its minions. Our tastes, our habits, our interests, and our principles, incline us to the arts of peace. This nation was founded by the common people for the

common people. We are seeking to embody in public economy more liberty, with higher justice and virtue, than have been organized before. By the necessity of our doctrines, we are put in sympathy with the masses of men in all nations. It is not our business to subdue nations, but to augment the powers of the common people. The vulgar ambition of mere domination, as it belongs to universal human nature, may tempt us; but it is withstood by the whole force of our principles, our habits, our precedents, and our legends. We acknowledge the obligation which our better political principles lay upon us, to set an example more temperate, humane, and just, than monarchical governments can. We will not suffer wrong, and still less will we inflict it upon other nations. Nor are we concerned that so many, ignorant of our conflict, for the present, misconceive the reasons of our invincible military zeal. "Why contend," say they, "for a little territory that you do not need?" Because it is ours! Because it is the interest of every citizen to save it from becoming a fortress and refuge of iniquity. This nation is our house, and our fathers' house; and accursed be the man who will not defend it to the uttermost. More territory than we need! England, that is not large enough to be our pocket, may think that it is more than we need, because it is more than it needs; but we are better judges of what we need than others are.

Shall a philanthropist say to a banker, who defends himself against a robber, "Why do you need so much money?" But we will not reason with such questions. When any foreign nation willingly will divide its territory and give it cheerfully away, we will answer the question why we are fighting for territory! At present — for I pass to the consideration of benefits that accrue to the South in distinction from the rest of the nation — the South reaps only suffering; but good seed lies buried under the furrows of war, that peace will bring to harvest. 1. Deadly doctrines have been purged away in blood. The subtle poison of secession was a perpetual threat of revolution. The sword has ended that danger. That which reason had affirmed as a philosophy, that people have settled as a fact. Theory pronounces, "There can be no permanent government where each integral particle has liberty to fly off." Who would venture upon a voyage in a ship each plank and timber of which might withdraw at its pleasure? But the people have reasoned by the logic of the sword and of the ballot, and they have declared that States

are inseparable parts of the national government. They are not sovereign. State rights remain; but sovereignty is a right higher than all others; and that has been made into a common stock for the benefit of all. All further agitation is ended. This element must be cast out of political problems. Henceforth that poison will not rankle in the blood. 2. Another thing has been learned: the rights and duties of minorities. The people of the whole nation are of more authority than the people of any section. These United States are supreme over Northern, Western, and Southern States. It ought not to have required the awful chastisement of this war to teach that a minority must submit the control of the nation's government to a majority. The army and navy have been good political schoolmasters. The lesson is learned. Not for many generations will it require further illustration. 3. No other lesson will be more fruitful of peace than the dispersion of those conceits of vanity, which, on either side, have clouded the recognition of the manly courage of all Americans. If it be a sign of manhood to be able to fight, then Americans are men. The North certainly is in no doubt whatever of the soldierly qualities of Southern men. Southern soldiers have learned that all latitudes breed courage on this continent. Courage is a passport to respect. The people of all the regions of this nation are likely hereafter to cherish a generous admiration of each other's prowess. The war has bred respect, and respect will breed affection, and affection peace and unity. 4. No other event of the war can fill an intelligent Southern man, of candid nature, with more surprise than the revelation of the capacity, moral and military, of the black race. It is a revelation indeed. No people were ever less understood by those most familiar with them. They were said to be lazy, lying, impudent, and cowardly wretches, driven by the whip alone to the tasks needful to their own support and the functions of civilization. They were said to be dangerous, bloodthirsty, liable to insurrection; but four years of tumultuous distress and war have rolled across the area inhabited by them, and I have yet to hear of one authentic instance of the misconduct of a colored man. They have been patient and gentle and docile, and full of faith and hope and piety; and, when summoned to freedom, they have emerged with all the signs and tokens that freedom will be to them what it was to us, the swaddling-band that shall bring them to manhood. And after the government, honoring them as

men, summoned them to the field, when once they were disciplined, and had learned the arts of war, they have proved themselves to be not second to their white brethren in arms. And when the roll of men that have shed their blood is called in the other land, many and many a dusky face will rise, dark no more when the light of eternal glory shall shine upon it from the throne of God! 5. The industry of the Southern States is regenerated, and now rests upon a basis that never fails to bring prosperity. Just now industry is collapsed; but it is not dead; it sleepeth. It is vital yet. It will spring like mown grass from the roots that need but showers and heat and time to bring them forth. Though in many districts not a generation will see wanton wastes of self-invoked war repaired, and many portions may lapse again to wilderness, yet, in our lifetime, we shall see States, as a whole, raised to a prosperity, vital, wholesome, and immovable. 6. The destruction of class interests, working with a religion which tends toward true democracy, in proportion as it is pure and free, will create a new era of prosperity for the common laboring people of the South. Upon them have come the labor, the toil, and the loss of this war. They have fought blindfolded. They have fought for a class that sought their degradation, while they were made to believe that it was for their own homes and altars. Their leaders meant a supremacy which would not long have left them political liberty, save in name. But their leaders are swept away. The sword has been hungry for the ruling classes. It has sought them out with remorseless zeal. New men are to rise up; new ideas are to bud and blossom; and there will be men with different ambition and altered policy. 7. Meanwhile, the South, no longer a land of plantations, but of farms; no longer tilled by slaves, but by freedmen, will find no hindrance to the spread of education. Schools will multiply. Books and papers will spread. Churches will bless every hamlet. There is a good day coming for the South. Through darkness and tears and blood she has sought it. It has been an unconscious *via dolorosa*. But in the end it will be worth all that it has cost. Her institutions before were deadly. She nourished death in her bosom. The greater her secular prosperity, the more sure was her ruin. Every year of delay but made the change more terrible. Now, by an earthquake, the evil is shaken down. And her own historians, in a better day, shall write, that from the day the sword cut off the

cancer, she began to find her health. What, then, shall hinder the rebuilding of the Republic? The evil spirit is cast out: why should not this nation cease to wander among tombs, cutting itself? Why should it not come, clothed and in its right mind, to "sit at the feet of Jesus"? Is it feared that the government will oppress the conquered States? What possible motive has the government to narrow the base of that pyramid on which its own permanence depends? Is it feared that the rights of the States will be withheld? The South is not more jealous of State rights than the North. State rights from the earliest colonial days have been the peculiar pride and jealousy of New England. In every stage of national formation, it was peculiarly Northern, and not Southern, statesmen that guarded State rights as we were forming the Constitution. But once united, the loyal States gave up forever that which had been delegated to the national government. And now, in the hour of victory, the loyal States do not mean to trench upon Southern State rights. They will not do it, nor suffer it to be done. There is not to be one rule for high latitudes and another for low. We take nothing from the Southern States that has not already been taken from the Northern. The South shall have just those rights that every eastern, every middle, every western State has — no more, no less. We are not seeking our own aggrandizement by impoverishing the South. Its prosperity is an indispensable element of our own.

We have shown, by all that we have suffered in war, how great is our estimate of the Southern States of this Union; and we will measure that estimate, now, in peace, by still greater exertions for their rebuilding. Will reflecting men not perceive, then, the wisdom of accepting established facts, and, with alacrity of enterprise, begin to retrieve the past? Slavery cannot come back. It is the interest, therefore, of every man to hasten its end. Do you want more war? Are you not yet weary of contest? Will you gather up the unexploded fragments of this prodigious magazine of all mischief, and heap them up for continued explosions? Does not the South need peace? And, since free labor is inevitable, will you have it in its worst forms or in its best? Shall it be ignorant, impertinent, indolent, or shall it be educated, self-respecting, moral, and self-supporting? Will you have men as drudges, or will you have them as citizens? Since they have vindicated the government, and cemented its

foundation stones with their blood, may they not offer the tribute of their support to maintain its laws and its policy? It is better for religion; it is better for political integrity; it is better for industry; it is better for money—if you will have that ground motive—that you should educate the black man, and, by education, make him a citizen. They who refuse education to the black man would turn the South into a vast poorhouse, and labor into a pendulum, incessantly vibrating between poverty and indolence. From this pulpit of broken stone we speak forth our earnest greeting to all our land. We offer to the President of these United States our solemn congratulations that God has sustained his life and health under the unparalleled burdens and sufferings of four bloody years, and permitted him to behold this auspicious consummation of that national unity for which he has waited with so much patience and fortitude, and for which he has labored with such disinterested wisdom. To the members of the government associated with him in the administration of perilous affairs in critical times; to the senators and representatives of the United States, who have eagerly fashioned the instruments by which the popular will might express and enforce itself, we tender our grateful thanks. To the officers and men of the army and navy, who have so faithfully, skillfully, and gloriously upheld their country's authority, by suffering, labor, and sublime courage, we offer a heart-tribute beyond the compass of words. Upon those true and faithful citizens, men and women, who have borne up with unflinching hope in the darkest hour, and covered the land with their labor of love and charity, we invoke the divinest blessing of him whom they have so truly imitated. But chiefly to thee, God of our fathers, we render thanksgiving and praise for that wondrous Providence that has brought forth from such a harvest of war the seed of so much liberty and peace! We invoke peace upon the North. Peace be to the West! Peace be upon the South! In the name of God we lift up our banner, and dedicate it to peace, union, and liberty, now and for evermore! Amen.

EFFECT OF THE DEATH OF LINCOLN

(Delivered in Brooklyn, April 16th, 1865)

AGAIN a great leader of the people has passed through toil, sorrow, battle, and war, and come near to the promised land of peace, into which he might not pass over. Who shall recount our martyr's sufferings for this people? Since the November of 1860, his horizon has been black with storms. By day and by night, he trod a way of danger and darkness. On his shoulders rested a government dearer to him than his own life. At its integrity millions of men were striking at home. Upon this government foreign eyes lowered. It stood like a lone island in a sea full of storms, and every tide and wave seemed eager to devour it. Upon thousands of hearts great sorrows and anxieties have rested, but not on one such, and in such measure, as upon that simple, truthful, noble soul, our faithful and sainted Lincoln. Never rising to the enthusiasm of more impassioned natures in hours of hope, and never sinking with the mercurial in hours of defeat to the depths of despondency, he held on with unmovable patience and fortitude, putting caution against hope, that it might not be premature, and hope against caution, that it might not yield to dread and danger. He wrestled ceaselessly, through four black and dreadful purgatorial years, wherein God was cleansing the sin of his people as by fire.

At last, the watcher beheld the gray dawn for the country. The mountains began to give forth their forms from out the darkness, and the East came rushing toward us with arms full of joy for all our sorrows. Then it was for him to be glad exceedingly that had sorrowed immeasurably. Peace could bring to no other heart such joy, such rest, such honor, such trust, such gratitude. But he looked upon it as Moses looked upon the promised land. Then the wail of a nation proclaimed that he had gone from among us. Not thine the sorrow, but ours, sainted soul. Thou hast, indeed, entered the promised land, while we are yet on the march. To us remains the rocking of the deep, the storm upon the land, days of duty and nights of watching; but thou art sphered high above all darkness and fear, beyond all sorrow and weariness. Rest, O weary heart! Rejoice exceedingly, thou that hast enough suffered! Thou hast beheld him who invisibly led thee in this great wilderness. Thou standest

among the elect. Around thee are the royal men that have ennobled human life in every age. Kingly art thou, with glory on thy brow as a diadem. And joy is upon thee for evermore. Over all this land, over all the little cloud of years that now from thine infinite horizon moves back as a speck, thou art lifted up as high as the star is above the clouds that hide us, but never reach it. In the goodly company of Mount Zion thou shalt find that rest which thou hast sorrowing sought in vain; and thy name, an everlasting name in heaven, shall flourish in fragrance and beauty as long as men shall last upon the earth, or hearts remain, to revere truth, fidelity, and goodness.

Never did two such orbs of experience meet in one hemisphere, as the joy and the sorrow of the same week in this land. The joy was as sudden as if no man had expected it, and as entrancing as if it had fallen a sphere from heaven. It rose up over sobriety, and swept business from its moorings, and ran down through the land in irresistible course. Men embraced each other in brotherhood that were strangers in the flesh. They sang, or prayed, or, deeper yet, many could only think thanksgiving and weep gladness. That peace was sure; that government was firmer than ever; that the land was cleansed of plague; that the ages were opening to our footsteps, and we were to begin a march of blessings; that blood was staunched, and scowling enmities were sinking like storms beneath the horizon; that the dear fatherland, nothing lost, much gained, was to rise up in unexampled honor among the nations of the earth — these thoughts, and that undistinguishable throng of fancies, and hopes, and desires, and yearnings, that filled the soul with tremblings like the heated air of midsummer days — all these kindled up such a surge of joy as no words may describe.

In one hour joy lay without a pulse, without a gleam or breath. A sorrow came that swept through the land as huge storms sweep through the forest and field, rolling thunder along the sky, disheveling the flowers, daunting every singer in thicket or forest, and pouring blackness and darkness across the land and up the mountains. Did ever so many hearts, in so brief a time, touch two such boundless feelings? It was the uttermost of joy; it was the uttermost of sorrow — noon and midnight, without a space between.

The blow brought not a sharp pang. It was so terrible that at first it stunned sensibility. Citizens were like men awakened

at midnight by an earthquake and bewildered to find everything that they were accustomed to trust wavering and falling. The very earth was no longer solid. The first feeling was the least. Men waited to get straight to feel. They wandered in the streets as if groping after some impending dread, or undeveloped sorrow, or some one to tell them what ailed them. They met each other as if each would ask the other, "Am I awake, or do I dream?" There was a piteous helplessness. Strong men bowed down and wept. Other and common griefs belonged to some one in chief; this belonged to all. It was each and every man's. Every virtuous household in the land felt as if its first-born were gone. Men were bereaved and walked for days as if a corpse lay unburied in their dwellings. There was nothing else to think of. They could speak of nothing but that; and yet of that they could speak only falteringly. All business was laid aside. Pleasure forgot to smile. The city for nearly a week ceased to roar. The great Leviathan lay down, and was still. Even avarice stood still, and greed was strangely moved to generous sympathy and universal sorrow. Rear to his name monuments, found charitable institutions, and write his name above their lintels; but no monument will ever equal the universal, spontaneous, and sublime sorrow that in a moment swept down lines and parties, and covered up animosities, and in an hour brought a divided people into unity of grief and indivisible fellowship of anguish. . . .

This nation has dissolved — but in tears only. It stands four-square, more solid to-day than any pyramid in Egypt. This people are neither wasted, nor daunted, nor disordered. Men hate slavery and love liberty with stronger hate and love to-day than ever before. The government is not weakened, it is made stronger. How naturally and easily were the ranks closed! Another steps forward, in the hour that the one fell, to take his place and his mantle; and I avow my belief that he will be found a man true to every instinct of liberty; true to the whole trust that is reposed in him; vigilant of the Constitution: careful of the laws: wise for liberty, in that he himself, through his life, has known what it was to suffer from the stings of slavery, and to prize liberty from bitter personal experiences.

Where could the head of government in any monarchy be stricken down by the hand of an assassin, and the funds not cover a fall one-half of one per cent? After a long period of

national disturbance, after four years of drastic war, after tremendous drafts on the resources of the country, in the height and top of our burdens, the heart of this people is such that now, when the head of government is stricken down, the public funds do not waver, but stand as the granite ribs in our mountains.

Republican institutions have been vindicated in this experience as they never were before; and the whole history of the last four years, rounded up by this cruel stroke, seems, in the providence of God, to have been clothed, now, with an illustration, with a sympathy, with an aptness, and with a significance, such as we never could have expected nor imagined. God, I think, has said, by the voice of this event, to all nations of the earth, "Republican liberty, based upon true Christianity, is firm as the foundation of the globe."

Even he who now sleeps has, by this event, been clothed with new influence. Dead, he speaks to men who now willingly hear what before they refused to listen to. Now his simple and weighty words will be gathered like those of Washington, and your children and your children's children shall be taught to ponder the simplicity and deep wisdom of utterances which, in their time, passed, in party heat, as idle words. Men will receive a new impulse of patriotism for his sake and will guard with zeal the whole country which he loved so well. I swear you, on the altar of his memory, to be more faithful to the country for which he has perished. They will, as they follow his hearse, swear a new hatred to that slavery against which he warred, and which, in vanquishing him, has made him a martyr and a conqueror. I swear you, by the memory of this martyr, to hate slavery with an unappeasable hatred. They will admire and imitate the firmness of this man, his inflexible conscience for the right, and yet his gentleness, as tender as a woman's, his moderation of spirit, which not all the heat of party could inflame, nor all the jars and disturbances of his country shake out of place. I swear you to an emulation of his justice, his moderation, and his mercy.

You I can comfort; but how can I speak to that twilight million to whom his name was as the name of an angel of God? There will be wailing in places which no minister shall be able to reach. When, in hovel and in cot, in wood and in wilderness, in the field throughout the South, the dusky children, who looked upon him as that Moses whom God sent before them to lead them out of the land of bondage, learn that he has fallen, who

shall comfort them? O, thou Shepherd of Israel, that didst comfort thy people of old, to thy care we commit the helpless, the long-wronged, and grieved.

And now the martyr is moving in triumphal march, mightier than when alive. The nation rises up at every stage of his coming. Cities and States are his pallbearers, and the cannon beats the hours with solemn progression. Dead, dead, dead, he yet speaketh. Is Washington dead? Is Hampden dead? Is David dead? Is any man that ever was fit to live dead? Disenthralled of flesh, and risen in the unobstructed sphere where passion never comes, he begins his illimitable work. His life now is grafted upon the infinite, and will be fruitful as no earthly life can be. Pass on, thou that hast overcome. Your sorrows, O people, are his peace. Your bells and bands and muffled drums sound triumph in his ear. Wail and weep here; God made it echo joy and triumph there. Pass on.

Four years ago, O Illinois, we took from your midst an untried man and from among the people. We return him to you a mighty conqueror. Not thine any more, but the nation's; not ours, but the world's. Give him place, O ye prairies. In the midst of this great continent his dust shall rest, a sacred treasure to myriads who shall pilgrim to that shrine to kindle anew their zeal and patriotism. Ye winds that move over the mighty places of the West, chant his requiem. Ye people, behold a martyr whose blood, as so many articulate words, pleads for fidelity, for law, for liberty.

LORD BELHAVEN

(1656–1708)

SCOTLAND ceased to exist as a nation by the act of union, May 1st, 1707. As occasions have been so rare in the world's history when a nation has voluntarily abdicated its sovereignty and ceased to exist by its own free act, it would be too much to say that Lord Belhaven's speech against surrendering Scotch nationality was worthy of so remarkable a scene as that presented in the Scotch Parliament when, soon after its opening, November 1st, 1706, he rose to make the protest which immortalized him.

Smollet belongs more properly to another generation, but the feeling against the union was rather exaggerated than diminished between the date of its adoption and that of his poem, 'The Tears of Scotland,' into the concluding stanza of which he has condensed the passion which prompted Belhaven's protest:—

«While the warm blood bedews my veins
And unimpaired remembrance reigns,
Resentment of my country's fate
Within my filial heart shall beat,
And spite of her insulting foe,
My sympathizing verse shall flow:—
'Mourn, helpless Caledonia, mourn,
Thy banished peace, thy laurels torn!'»

If there is nothing in Belhaven's oration which equals this in intensity, there is power and pathos, as well as Ciceronian syntax, in the period: «Hannibal, my lord, is at our gates; Hannibal is come within our gates; Hannibal is come the length of this table; he is at the foot of this throne; if we take not notice he'll seize upon these regalia, he'll take them as our *spolia opima*, and whip us out of this house, never to return.»

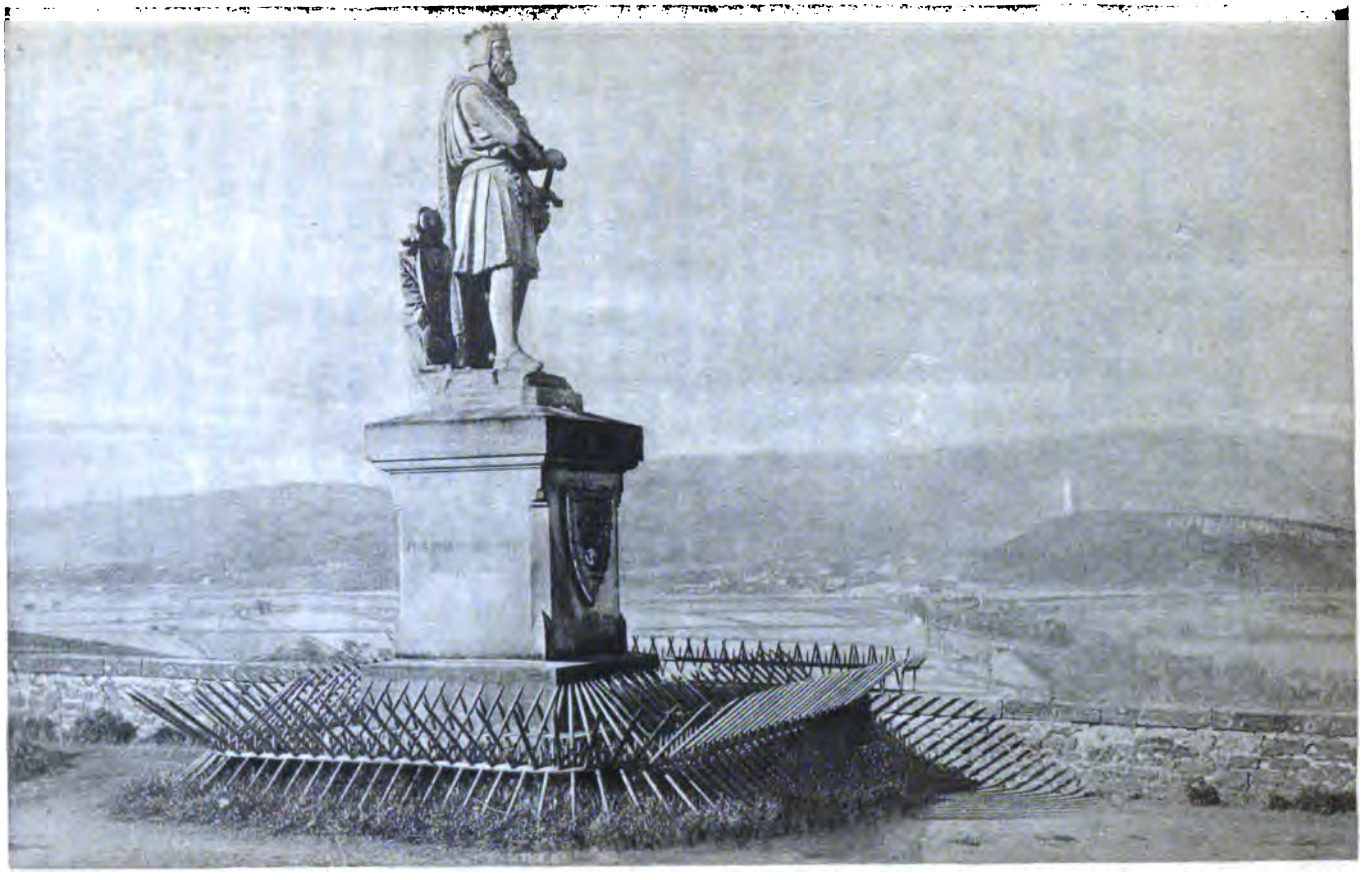
It is unfortunate for Belhaven's fame as an orator that his most effective passages are based on classical allusions intelligible at once to his audience then, but likely to appear pedantic in times when Latin has ceased to be the «vulgar tongue» of the educated, as it still was in the Scotland of Queen Anne's time.

The text of his speech here used is from 'The Parliamentary Debates,' London 1741.

THE BRUCE MONUMENT AT STIRLING CASTLE.

Photogravure after a Recent Photograph.

IN THE statue at Stirling, Robert Bruce as he stands with his hand on his sword hilt embodies in stone the same idea which animated Lord Belhaven's protest against surrendering the individual life and character of Scotland.



A PLEA FOR THE NATIONAL LIFE OF SCOTLAND

(Delivered 1706 in the Scotch Parliament)

My Lord Chancellor:—

WHEN I consider the affair of a union betwixt the two nations, as it is expressed in the several articles thereof, and now the subject of our deliberation at this time, I find my mind crowded with a variety of melancholy thoughts, and I think it my duty to disburden myself of some of them, by laying them before, and exposing them to, the serious consideration of this honorable house.

I think I see a free and independent kingdom delivering up that which all the world hath been fighting for since the days of Nimrod; yea, that for which most of all the empires, kingdoms, states, principalities, and dukedoms of Europe, are at this very time engaged in the most bloody and cruel wars that ever were, to-wit, a power to manage their own affairs by themselves, without the assistance and counsel of any other.

I think I see a national church, founded upon a rock, secured by a claim of right, hedged and fenced about by the strictest and most pointed legal sanction that sovereignty could contrive, voluntarily descending into a plain, upon an equal level with Jews, Papists, Socinians, Arminians, Anabaptists, and other sectaries, etc.

I think I see the noble and honorable peerage of Scotland, whose valiant predecessors led armies against their enemies, upon their own proper charges and expenses, now divested of their followers and vassalages, and put upon such an equal foot with their vassals, that I think I see a petty English exciseman receive more homage and respect than what was paid formerly to their quondam Mackallamores.

I think I see the present peers of Scotland, whose noble ancestors conquered provinces, over-run countries, reduced and subjected towns and fortified places, exacted tribute through the greatest part of England, now walking in the court of requests like so many English attorneys, laying aside their walking swords when in company with the English peers, lest their self-defense should be found murder.

I think I see the honorable estate of barons, the bold assertors of the nation's rights and liberties in the worst of times, now

setting a watch upon their lips and a guard upon their tongues, lest they be found guilty of *scandalum magnatum.*

I think I see the royal state of boroughs walking their desolate streets, hanging down their heads under disappointments, wormed out of all the branches of their old trade, uncertain what hand to turn to, necessitate to become 'prentices to their unkind neighbors; and yet, after all, finding their trade so fortified by companies, and secured by prescriptions, that they despair of any success therein.

I think I see our learned judges laying aside their practiques and decisions, studying the common law of England, graveled with *certioraries*, *nisi prius's*, writs of error, *verdicts indovar*, *ejectione firmæ*, injunctions, demurs, etc., and frighted with appeals and avocations, because of the new regulations and rectifications they may meet with.

I think I see the valiant and gallant soldiery either sent to learn the plantation-trade abroad; or at home petitioning for a small subsistence, as the reward of their honorable exploits; while their old corps are broken, the common soldiers left to beg, and the youngest English corps kept standing.

I think I see the honest, industrious tradesman loaded with new taxes and impositions, disappointed of the equivalents, drinking water in place of ale, eating his saltless pottage, petitioning for encouragement to his manufactories, and answered by counter-petitions.

In short, I think I see the laborious plowman, with his corn spoiling upon his hands, for want of sale, cursing the day of his birth, dreading the expense of his burial, and uncertain whether to marry or do worse.

I think I see the incurable difficulties of the landed men, fettered under the golden chain of equivalents, their pretty daughters petitioning for want of husbands, and their sons for want of employment.

I think I see our mariners delivering up their ships to their Dutch partners, and what through presses and necessity, earning their bread as underlings in the royal English navy.

But above all, my lord, I think I see our ancient mother Caledonia, like Cæsar, sitting in the midst of our senate, ruefully looking round about her, covering herself with her royal garment, attending the fatal blow, and breathing out her last with an *Et tu quoque, mi fili.*

Are not these, my lord, very afflicting thoughts? And yet they are but the least part suggested to me by these dishonorable articles. Should not the consideration of these things vivify these dry bones of ours? Should not the memory of our noble predecessors' valor and constancy rouse up our drooping spirits? Are our noble predecessors' souls got so far into the English cabbage stock and cauliflowers that we should show the least inclination that way? Are our eyes so blinded? Are our ears so deafened? Are our hearts so hardened? Are our tongues so faltered? Are our hands so fettered that in this our day, I say, my lord, that in this our day, we should not mind the things that concern the very being and well-being of our ancient kingdom, before the day be hid from our eyes?

No, my lord, God forbid! man's extremity is God's opportunity; he is a present help in time of need, and a deliverer, and that right early. Some unforeseen Providence will fall out, that may cast the balance; some Joseph or other will say, "Why do ye strive together, since ye are brethren?" None can destroy Scotland, save Scotland itself; hold your hands from the pen, you are secure. Some Judah or other will say, "Let not our hands be upon the lad, he is our brother." There will be a Jehovah-Jireh, and some ram will be caught in the thicket, when the bloody knife is at our mother's throat. Let us up then, my lord, and let our noble patriots behave themselves like men, and we know not how soon a blessing may come.

My lord, I wish from my heart, that this my vision prove not as true as my reasons for it are probable. I design not at this time to enter into the merits of any one particular article; I intend this discourse as an introduction to what I may afterwards say upon the whole debate as it falls in before this honorable house; and therefore, in the farther prosecution of what I have to say, I shall insist upon few particulars, very necessary to be understood, before we enter into the detail of so important a matter.

I shall, therefore, in the first place, endeavor to encourage a free and full deliberation, without animosities and heats. In the next place I shall endeavor to make an inquiry into the nature and source of the unnatural and dangerous divisions that are now on foot within this isle, with some motives showing that it is our interest to lay them aside at this time. Then I shall inquire into the reasons which have induced the two nations to

enter into a treaty of union at this time, with some considerations and meditations with relation to the behavior of the lord's commissioners of the two kingdoms in the management of this great concern. And lastly, I shall propose a method, by which we shall most distinctly, and without confusion, go through the several articles of this treaty, without unnecessary repetitions or loss of time. And all this with all deference, and under the correction of this honorable house.

My lord chancellor, the greatest honor that was done unto a Roman was to allow him the glory of a triumph; the greatest and most dishonorable punishment was that of *parricide*. He that was guilty of *parricide* was beaten with rods upon his naked body till the blood gushed out of all the veins of his body; then he was sewed up in a leathern sack, called a *culeus*, with a cock, a viper, and an ape, and thrown headlong into the sea.

My lord, *patricide* is a greater crime than *parricide*, all the world over.

In a triumph, my lord, when the conqueror was riding in his triumphal chariot, crowned with laurels, adorned with trophies, and applauded with huzzas, there was a monitor appointed to stand behind him, to warn him not to be high-minded, not puffed up with overweening thoughts of himself; and to his chariot were tied a whip and a bell, to mind him that for all his glory and grandeur he was accountable to the people for his administration, and would be punished as other men, if found guilty.

The greatest honor amongst us, my lord, is to represent the sovereign's sacred person in Parliament; and in one particular it appears to be greater than that of a triumph, because the whole legislative power seems to be wholly intrusted with him. If he give the royal assent to an act of the estates, it becomes a law obligatory upon the subject, though contrary or without any instructions from the sovereign. If he refuse the royal assent to a vote in Parliament, it cannot be a law, though he has the Sovereign's particular and positive instructions for it.

His Grace, the Duke of Queensbury, who now presents her Majesty in this session of Parliament, hath had the honor of that great trust, as often, if not more, than any Scotchman ever had. He hath been the favorite of two successive sovereigns; and I cannot but commend his constancy and perseverance, that notwithstanding his former difficulties and unsuccessful attempts, and maugre some other specialties not yet determined, that his

Grace has yet had the resolution to undertake the most unpopular measures last. If his Grace succeed in this affair of a union, and that it prove for the happiness and welfare of the nation, then he justly merits to have a statue of gold erected for himself; but if it shall tend to the entire destruction and abolition of our nation, and that we the nation's trustees will go into it, then I must say that a whip and a bell, a cock and a viper and an ape, are but too small punishments for any such bold, unnatural undertaking and complaisance.

That I may pave a way, my lord, to a full, calm, and free reasoning upon this affair, which is of the last consequence unto this nation, I shall mind this honorable house, that we are the successors of our noble predecessors, who founded our monarchy, framed our laws, amended, altered, and corrected them from time to time, as the affairs and circumstances of the nation did require, without the assistance or advice of any foreign power or potentate, and who, during the time of 2,000 years, have handed them down to us, a free independent nation, with the hazard of their lives and fortunes. Shall not we then argue for that which our progenitors have purchased for us at so dear a rate, and with so much immortal honor and glory? God forbid. Shall the hazard of a father unbind the ligaments of a dumb son's tongue; and shall we hold our peace, when our *patria* is in danger? I speak this, my lord, that I may encourage every individual member of this house to speak his mind freely. There are many wise and prudent men amongst us, who think it not worth their while to open their mouths; there are others, who can speak very well, and to good purpose, who shelter themselves under the shameful cloak of silence, from a fear of the frowns of great men and parties. I have observed, my lord, by my experience, the greatest number of speakers in the most trivial affairs; and it will always prove so, while we come not to the right understanding of the oath *de fideli*, whereby we are bound not only to give our vote, but our faithful advice in Parliament, as we should answer to God; and in our ancient laws, the representatives of the honorable barons and the royal boroughs are termed spokesmen. It lies upon your lordships, therefore, particularly to take notice of such whose modesty makes them bashful to speak. Therefore, I shall leave it upon you, and conclude this point with a very memorable saying of an honest private gentleman to a great queen, upon occasion of a State

project, contrived by an able statesman, and the favorite to a great king, against a peaceable, obedient people, because of the diversity of their laws and constitutions: "If at this time thou hold thy peace, salvation shall come to the people from another place, but thou and thy house shall perish." I leave the application to each particular member of this house.

My lord, I come now to consider our divisions. We are under the happy reign (blessed be God) of the best of queens, who has no evil design against the meanest of her subjects, who loves all her people, and is equally beloved by them again; and yet that under the happy influence of our most excellent Queen there should be such divisions and factions more dangerous and threatening to her dominions than if we were under an arbitrary government, is most strange and unaccountable. Under an arbitrary prince all are willing to serve because all are under a necessity to obey, whether they will or not. He chooses therefore whom he will, without respect to either parties or factions; and if he think fit to take the advices of his councils or parliaments, every man speaks his mind freely, and the prince receives the faithful advice of his people without the mixture of self-designs. If he prove a good prince, the government is easy; if bad, either death or a revolution brings a deliverance. Whereas here, my lord, there appears no end of our misery, if not prevented in time; factions are now become independent, and have got footing in councils, in parliaments, in treaties, armies, in incorporations, in families, among kindred, yea, man and wife are not free from their political jars.

It remains therefore, my lord, that I inquire into the nature of these things; and since the names give us not the right idea of the thing, I am afraid I shall have difficulty to make myself well understood.

The names generally used to denote the factions are Whig and Tory, as obscure as that of Guelfs and Gibelins. Yea, my lord, they have different significations, as they are applied to factions in each kingdom; a Whig in England is a heterogeneous creature, in Scotland he is all of a piece; a Tory in England is all of a piece, and a statesman in Scotland, he is quite otherways, an anti-courtier and anti-statesman.

A Whig in England appears to be somewhat like Nebuchadnezzar's image, of different metals, different classes, different principles, and different designs; yet take the Whigs all together, they

are like a piece of fine mixed drugget of different threads, some finer, some coarser, which, after all, make a comely appearance and an agreeable suit. Tory is like a piece of loyal-made English cloth, the true staple of the nation, all of a thread; yet, if we look narrowly into it, we shall perceive diversity of colors, which, according to the various situations and positions, make various appearances. Sometimes Tory is like the moon in its full, as appeared in the affair of the bill of occasional conformity; upon other occasions it appears to be under a cloud, and as if it were eclipsed by a greater body, as it did in the design of calling over the illustrious Princess Sophia. However, by this we may see their designs are to outshoot Whig in his own bow.

Whig in Scotland is a true blue Presbyterian, who, without considering time or power, will venture their all for the Kirk, but something less for the State. The greatest difficulty is how to describe a Scots Tory. Of old, when I knew them first, Tory was an honest-hearted comradish fellow, who, provided he was maintained and protected in his benefices, titles, and dignities by the State, was the less anxious who had the government and management of the Church. But now what he is since *jure divino* came in fashion, and that Christianity, and, by consequence, salvation comes to depend upon episcopal ordination, I profess I know not what to make of him; only this I must say for him, that he endeavors to do by opposition that which his brother in England endeavors by a more prudent and less scrupulous method.

Now, my lord, from these divisions there has got up a kind of aristocracy something like the famous triumvirate at Rome; they are a kind of undertakers and pragmatic statesmen, who, finding their power and strength great, and answerable to their designs, will make bargains with our gracious sovereign; they will serve her faithfully, but upon their own terms; they must have their own instruments, their own measures; this man must be turned out, and that man put in, and then they will make her the most glorious queen in Europe.

Where will this end, my lord? Is not her Majesty in danger by such a method? Is not the monarchy in danger? Is not the nation's peace and tranquillity in danger? Will a change of parties make the nation more happy? No, my lord, the seed is sown that is like to afford us a perpetual increase; it is not an annual herb, it takes deep root; it seeds and breeds; and, if not

timely prevented by her Majesty's royal endeavors, will split the whole island in two.

My lord, I think, considering our present circumstances at this time, the Almighty God has reserved this great work for us. We may bruise this Hydra of division, and crush this Cockatrice's egg. Our neighbors in England are not yet fitted for any such thing; they are not under the afflicting hand of Providence, as we are; their circumstances are great and glorious; their treaties are prudently managed, both at home and abroad; their generals brave and valorous; their armies successful and victorious; their trophies and laurels memorable and surprising; their enemies subdued and routed; their strongholds besieged and taken, sieges relieved, marshals killed and taken prisoners; provinces and kingdoms are the results of their victories; their royal navy is the terror of Europe; their trade and commerce extended through the universe, encircling the whole habitable world and rendering their own capital city the emporium for the whole inhabitants of the earth. And, which is yet more than all these things, the subjects freely bestow their treasure upon their sovereign! And, above all, these vast riches, the sinews of war, and without which all the glorious success had proved abortive—these treasures are managed with such faithfulness and nicety, that they answer seasonably all their demands, though at never so great a distance. Upon these considerations, my lord, how hard and difficult a thing will it prove to persuade our neighbors to a self-denying bill.

'Tis quite otherwise with us, my lord; we are an obscure poor people, though formerly of better account, removed to a remote corner of the world, without name, and without alliances, our posts mean and precarious, so that I profess I don't think any one post of the kingdom worth the briguing after, save that of being commissioner to a long session of a factious Scotch Parliament, with an antedated commission, and that yet renders the rest of the ministers more miserable. What hinders us then, my lord, to lay aside our divisions, to unite cordially and heartily together in our present circumstances, when our all is at stake? Hannibal, my lord, is at our gates; Hannibal is come within our gates Hannibal is come the length of this table; he is at the foot of this throne; he will demolish this throne; if we take not notice, he'll seize upon these regalia, he'll take them as our *spolia opima*, and whip us out of this house, never to return again.

For the love of God then, my lord, for the safety and welfare of our ancient kingdom, whose sad circumstances, I hope, we shall yet convert into prosperity and happiness, we want no means, if we unite. God blessed the peacemakers; we want neither men, nor sufficiency of all manner of things necessary, to make a nation happy; all depends upon management, *Concordia res parvæ crescunt.* I fear not these articles, though they were ten times worse than they are, if we once cordially forgive one another, and that, according to our proverb, bygones be bygones, and fair play for time to come. For my part, in the sight of God, and in the presence of this honorable house, I heartily forgive every man, and beg that they may do the same to me; and I do most humbly propose that his grace, my lord commissioner, may appoint an Agape, may order a love feast for this honorable house, that we may lay aside all self-designs, and after our fasts and humiliations may have a day of rejoicing and thankfulness, may eat our meat with gladness, and our bread with a merry heart; then shall we sit each man under his own fig-tree, and the voice of the turtle shall be heard in our land, a bird famous for constancy and fidelity.

My lord, I shall make a pause here, and stop going on further in my discourse, till I see further, if his grace, my lord commissioner, receive any humble proposals for removing misunderstandings among us, and putting an end to our fatal divisions; upon honor, I have no other design, and I am content to beg the favor upon my bended knees. (No answer.) My lord chancellor, I am sorry that I must pursue the thread of my sad and melancholy story. What remains, I am afraid may prove as afflicting as what I have said; I shall therefore consider the motives which have engaged the two nations to enter upon a treaty of union at this time. In general, my lord, I think both of them had in their view to better themselves by the treaty; but before I enter upon the particular motives of each nation, I must inform this honorable house that since I can remember, the two nations have altered their sentiments upon that affair, even almost to downright contradiction — they have changed headbands, as we say; for the English, till of late, never thought it worth their pains of treating with us; the good bargain they made at the beginning they resolve to keep, and that which we call an incorporating union was not so much as in their

thoughts. The first notice they seemed to take of us was in our affair of Caledonia, when they had most effectually broken off that design in a manner very well known to the world, and unnecessary to be repeated here; they kept themselves quiet during the time of our complaints upon that head. In which time our sovereign, to satisfy the nation, and allay their heats, did condescend to give us some good laws, and amongst others that of personal liberties; but they having declared their succession, and extended their entail, without ever taking notice of us, our gracious sovereign Queen Anne was graciously pleased to give the royal assent to our act of security, to that of peace and war after the decease of her Majesty, and the heirs of her body, and to give us a hedge to all our sacred and civil interests, by declaring it high treason to endeavor the alteration of them, as they were then established. Thereupon did follow the threatening and minatory laws against us by the Parliament of England, and the unjust and unequal character of what her Majesty had so graciously condescended to in our favors. Now, my lord, whether the desire they had to have us engaged in the same succession with them, or whether they found us like a free and independent people, breathing after more liberty than what formerly was looked after, or whether they were afraid of our act of security, in case of her Majesty's decease; which of all these motives has induced them to a treaty I leave it to themselves. This I must say only, they have made a good bargain this time also.

For the particular motives that induced us, I think they are obvious to be known, we found by sad experience, that every man hath advanced in power and riches, as they have done in trade, and at the same time considering that nowhere through the world slaves are found to be rich, though they should be adorned with chains of gold, we thereupon changed our notion of an incorporating union to that of a federal one; and being resolved to take this opportunity to make demands upon them, before we enter into the succession, we were content to empower her Majesty to authorize and appoint commissioners to treat with the commissioners of England, with as ample powers as the lords commissioners from England had from their constituents, that we might not appear to have less confidence in her Majesty, nor more narrow-heartedness in our act, than our neighbors of England. And thereupon last Parliament, after her Majesty's

gracious letter was read, desiring us to declare the succession in the first place, and afterwards to appoint commissioners to treat, we found it necessary to renew our former resolve, which I shall read to this honorable house. The resolve presented by the Duke of Hamilton last session of Parliament:—

«That this Parliament will not proceed to the nomination of a successor till we have had a previous treaty with England, in relation to our commerce, and other concerns with that nation. And further, it is resolved that this Parliament will proceed to make such limitations and conditions of government, for the rectification of our constitution, as may secure the liberty, religion, and independency of this kingdom, before they proceed to the said nomination.»

Now, my lord, the last session of Parliament having, before they would enter into any treaty with England, by a vote of the house, passed both an act for limitations and an act for rectification of our constitution, what mortal man has reason to doubt the design of this treaty was only federal?

My lord chancellor, it remains now, that we consider the behavior of the lords commissioners at the opening of this treaty. And before I enter upon that, allow me to make this meditation, that if our posterity, after we are all dead and gone, shall find themselves under an ill-made bargain, and shall have recourse unto our records, and see who have been the managers of that treaty, by which they have suffered so much; when they read the names, they will certainly conclude, and say, Ah! our nation has been reduced to the last extremity, at the time of this treaty; all our great chieftains, all our great peers and considerable men, who used formerly to defend the rights and liberties of the nation, have been all killed and dead in the bed of honor, before ever the nation was necessitated to condescend to such mean and contemptible terms. Where are the names of the chief men, of the noble families of Stuarts, Hamiltons, Grahams, Campbels, Gordons, Johnstons, Humes, Murrays, Kers? Where are the two great officers of the crown, the constables and marshals of Scotland? They have certainly all been extinguished, and now we are slaves forever.

Whereas the English records will make their posterity reverence the memory of the honorable names who have brought under their fierce, warlike, and troublesome neighbors, who had struggled so long for independence, shed the best blood of their

nation, and reduced a considerable part of their country to become waste and desolate.

I am informed, my lord, that our commissioners did indeed frankly tell the lords commissioners for England that the inclinations of the people of Scotland were much altered of late, in relation to an incorporating union; and that, therefore, since the entail was to end with her Majesty's life (whom God long preserve), it was proper to begin the treaty upon the foot of the treaty of 1604, year of God, the time when we came first under one sovereign; but this the English commissioners would not agree to, and our commissioners, that they might not seem obstinate, were willing to treat and conclude in the terms laid before this honorable house and subjected to their determination.

If the lords commissioners for England had been as civil and complaisant, they should certainly have finished a federal treaty likewise, that both nations might have the choice which of them to have gone into as they thought fit; but they would hear of nothing but an entire and complete union, a name which comprehends a union, either by incorporation, surrender, or conquest, whereas our commissioners thought of nothing but a fair, equal, incorporating union. Whether this be so or not I leave it to every man's judgment; but as for myself I must beg liberty to think it no such thing; for I take an incorporating union to be, where there is a change both in the material and formal points of government, as if two pieces of metal were melted down into one mass, it can neither be said to retain its former form or substance as it did before the mixture. But now, when I consider this treaty, as it hath been explained and spoke to before us this three weeks by past, I see the English constitution remaining firm, the same two houses of Parliament, the same taxes, the same customs, the same excises, the same trading companies, the same municipal laws and courts of judicature; and all ours either subject to regulations or annihilations, only we have the honor to pay their old debts and to have some few persons present for witnesses to the validity of the deed when they are pleased to contract more.

Good God! What, is this an entire surrender!

My lord, I find my heart so full of grief and indignation that I must beg pardon not to finish the last part of my discourse, that I may drop a tear as the prelude to so sad a story.

JOHN BELL

(1797–1869)

JOHN BELL, of Tennessee, who was a candidate with Edward Everett on the "Constitutional Union" ticket of 1860, when Virginia, Kentucky, and Tennessee gave him their thirty-nine electoral votes in favor of a hopeless peace, will always seem one of the most respectable figures in the politics of a time when calmness and conservatism, such as characterized him and his co-adjutor, Mr. Everett, of Massachusetts, had ceased to be desired by men who wished immediate success in public life. He was one of the founders of the Whig party, and by demonstrating himself to be one of the very few men who could win against Andrew Jackson's opposition in Tennessee, he acquired, under Jackson and Van Buren, a great influence with the Whigs of the country at large. He was a member of Congress from Tennessee for fourteen years dating from 1827, when he won by a single vote against Felix Grundy, one of the strongest men in Tennessee and a special favorite with General Jackson. Disagreeing with Jackson on the removal of the deposits, Bell was elected Speaker of the House over Jackson's protégé, James K. Polk, in 1834, and in 1841 he entered the Whig cabinet as Secretary of War under Harrison who had defeated another of Jackson's protégés, Van Buren. In 1847 and again in 1853, he was elected United States Senator from Tennessee and he did his best to prevent secession. He had opposed Calhoun's theories of the right of a State to nullify a Federal act if unconstitutional, and in March 1858, in the debate over the Lecompton constitution, he opposed Toombs in a speech which probably made him the candidate of the Constitutional Unionists two years later. Another notable speech, of even more far-reaching importance, he had delivered in 1853 in favor of opening up the West by building the Pacific Railroad, a position in which he was supported by Jefferson Davis.

Mr. Bell was for the Union in 1861, denying the right of secession, but he opposed the coercion of the Southern States, and when the fighting actually began he sided with Tennessee, and took little or no part in public affairs thereafter. He died in 1869.

AGAINST EXTREMISTS, NORTH AND SOUTH

(From a Speech in the Senate, March 18th, 1858, on the Lecompton Constitution)

THE honorable Senator from Georgia, Mr. Toombs, announced some great truths to-day. He said that mankind made a long step, a great stride, when they declared that minorities should not rule; and that a still higher and nobler advance had been made when it was decided that majorities could only rule through regular and legal forms. He asserted this general doctrine with reference to the construction he proposed to give to the Lecompton constitution; and to say that the people of Kansas, unless they spoke through regular forms, cannot speak at all. He will allow me to say, however, that the forms through which a majority speaks must be provided and established by competent authority, and his doctrine can have no application to the Lecompton constitution, unless he can first show that the legislature of Kansas was vested with legal authority to provide for the formation of a State constitution; for, until that can be shown, there could be no regular and legal forms through which the majority could speak. But how does that Senator reconcile his doctrine with that avowed by the President, as to the futility of attempting, by constitutional provisions, to fetter the power of the people in changing their constitution at pleasure? In no States of the Union so much as in some of the slaveholding States would such a doctrine as that be so apt to be abused by incendiary demagogues, disappointed and desperate politicians, in stirring up the people to assemble voluntarily in convention — disregarding all the restrictions in their constitution — and strike at the property of the slaveholder.

The honorable Senator from Kentucky inquired what, under this new doctrine, would prevent the majority of the people of the States of the Union from changing the present Federal Constitution, and abrogating all existing guarantees for the protection of the small States, and any peculiar or particular interest confined to a minority of the States of the Union. The analogy, I admit, is not complete between the Federal Constitution and a constitution of a State; but the promulgation of the general principle, that a majority of the people are fettered by no constitutional restrictions in the exercise of their right to change their

form of government, is dangerous. That is quite enough for the purposes of demagogues and incendiary agitators. When I read the special message of the President, I said to some friends that the message, taking it altogether, was replete with more dangerous heresies than any paper I had ever seen emanating, not from a President of the United States, but from any political club in the country, and calculated to do more injury. I consider it in effect, and in its tendencies, as organizing anarchy.

We are told that if we shall admit Kansas with the Lecompton constitution, this whole difficulty will soon be settled by the people of Kansas. How? By disregarding the mode and forms prescribed by the constitution for amending it? No. I am not sure that the President, after all the lofty generalities announced in his message, in regard to the inalienable rights of the people, intended to sanction the idea that all the provisions of the Lecompton constitution in respect to the mode and form of amending it should be set aside. He says the legislature now elected may, at its first meeting, call a convention to amend the constitution; and in another passage of his message he says that this inalienable power of the majority must be exercised in a lawful manner. This is perplexing. Can there be any lawful enactment of the legislature in relation to the call of a convention, unless it be in conformity with the provisions of the constitution? They require that two-thirds of the members of the legislature shall concur in passing an act to take the sense of the people upon the call of a convention, and that the vote shall be taken at the next regular election, which cannot be held until two years afterwards. How can this difficulty be got over? The truth is, that unless all constitutional impediments in respect to forms be set aside, and the people take it in hand to amend the constitution on revolutionary principles, there can be no end of agitation on this subject in less than three years. I long since ventured the prediction that there would be no settlement of the difficulties in Kansas until the next presidential election. To continue the agitation is too important to the interests of both the great parties of the country to dispense with it, as long as any pretext can be found for prolonging it. In the closing debate on the Kansas-Nebraska Bill, I told its supporters that they could do nothing more certain to disturb the composure of the two Senators who sat on the opposite side of the chamber, the one from Massachusetts [Mr. Sumner] and the other from Ohio [Mr. Chase], than to

reject that bill. Its passage was the only thing in the range of possible events by which their political fortunes could be resuscitated, so completely had the Free-Soil movement at the North been paralyzed by the compromise measures of 1850. I say now to the advocates of this measure, if they want to strengthen the Republican party, and give the reins of government into their hands, pass this bill. If they desire to weaken the power of that party, and arrest the progress of slavery agitation, reject it. And if it is their policy to put an end to the agitation connected with Kansas affairs at the earliest day practicable, as they say it is, then let them remit this constitution back to the people of Kansas, for their ratification or rejection. In that way the whole difficulty will be settled before the adjournment of the present session of Congress, without the violation of any sound principle, or the sacrifice of the rights of either section of the Union.

But the President informs us that threatening and ominous clouds impend over the country; and he fears that if Kansas is not admitted under the Lecompton constitution, slavery agitation will be revived in a more dangerous form than it has ever yet assumed. There may be grounds for that opinion, for aught I know; but it seems to me that if any of the States of the South have taken any position on this question which endangers the peace of the country, they could not have been informed of the true condition of affairs in Kansas, and of the strong objections which may be urged on principle against the acceptance by Congress of the Lecompton constitution. And I have such confidence in the intelligence of the people of the whole South, that when the history and character of this instrument shall be known, even those who would be glad to find some plausible pretext for dissolving the Union will see that its rejection by Congress would not furnish them with such a one as they could make available for their purposes.

When the Kansas-Nebraska Bill was under discussion, in 1854, in looking to all the consequences which might follow the adoption of that measure, I could not overlook the fact that a sentiment of hostility to the Union was widely diffused in certain States of the South; and that that sentiment was only prevented from assuming an organized form of resistance to the authority of the Federal government, at least in one of the States, in 1851, by the earnest remonstrance of a sister State, that was supposed to sympathize with her in the project of establishing a southern

republic. Nor could I fail to remember that the project—I speak of the convention held in South Carolina, in pursuance of an act of the legislature—was then postponed, not dropped. The argument was successfully urged that an enterprise of such magnitude ought not to be entered upon without the co-operation of a greater number of States than they could then certainly count upon. It was urged that all the cotton-planting States would, before a great while, be prepared to unite in the movement, and that they, by the force of circumstances, would bring in all the slaveholding States. The ground was openly taken, that separation was an inevitable necessity. It was only a question of time. It was said that no new aggression was necessary on the part of the North to justify such a step. It was said that the operation of this government from its foundation had been adverse to southern interests; and that the admission of California as a free State, and the attempt to exclude the citizens of the South, with their property, from all the territory acquired from Mexico, was a sufficient justification for disunion. It was not a mere menace to deter the North from further aggressions. These circumstances made a deep impression on my mind at the time, and from a period long anterior to that I had known that it was a maxim with the most skillful tacticians among those who desire separation, that the slaveholding States must be united—consolidated into one party. That object once effected, disunion, it was supposed, would follow without difficulty.

I had my fears that the Kansas-Nebraska Bill was expected to consolidate the South, and to pave the way for the accomplishment of ulterior plans by some of the most active supporters of that measure from the South; and these fears I indicated in the closing debate on that subject. Some of the supporters of that measure, I fear, are reluctant now to abandon the chances of finding some pretext for agitating the subject of separation in the South in the existing complications of the Kansas embroilment.

To what extent the idea of disunion is entertained in some of the Southern States, and what importance is attached to the policy of uniting the whole South in one party as a preliminary step, may be inferred from a speech delivered before the Southern convention lately held in Knoxville, Tenn., by Mr. De Bow, the president of the convention, and the editor of a popular Southern review. I will only refer now to the fate to which the author resigns those who dare to break the ranks of that solid phalanx

in which he thinks the South should be combined — that is, to be "held up to public scorn and public punishment as traitors and Tories, more steeped in guilt than those of the Revolution itself."

The honorable Senator from New York further announced to us, in exultant tones, that "*at last* there was a North side of this Chamber, a North side of the Chamber of the House of Representatives, and a North side of the Union, as well as a South side of all these"; and he admonished us that the time was at hand when freedom would assert its influence in the regulation of the domestic and foreign policy of the country.

When was there a time in the history of the government that there was no North side of this Chamber and of the other? When was there a time that there was not a proud array of Northern men in both Chambers, distinguished by their genius and ability, devoted to the interests of the North, and successful in maintaining them?

Though it may be true that Southern men have filled the executive chair for much the larger portion of the time that has elapsed since the organization of the government, yet when, in what instance was it, that a Southerner has been elevated to that high station without the support of a majority of the freemen of the North?

Do you of the North complain that the policy of the government, under the long-continued influence of Southern Presidents, has been injurious or fatal to your interests? Has it paralyzed your industry? Has it crippled your resources? Has it impaired your energies? Has it checked your progress in any one department of human effort? Let your powerful mercantile marine, your ships whitening every sea — the fruit of wise commercial regulations and navigation laws; let your flourishing agriculture, your astonishing progress in manufacturing skill, your great canals, your thousands of miles of railroads, your vast trade, internal and external, your proud cities, and your accumulated millions of moneyed capital, ready to be invested in profitable enterprises in any part of the world, answer that question. Do you complain of a narrow and jealous policy under Southern rule, in extending and opening new fields of enterprise to your hardy sons in the great West, along the line of the great chain of American lakes, even to the head waters of the Father of Rivers, and over the rich and fertile plains stretching southward from the lake shores? Let the teeming populations — let the hundreds of millions of annual

products that have succeeded to the but recent dreary and unproductive haunts of the red man — answer that question. That very preponderance of free States which the Senator from New York contemplates with such satisfaction, and which has moved him exultingly to exclaim that there is at last a North side of this Chamber, has been hastened by the liberal policy of Southern Presidents and Southern statesmen; and has it become the ambition of that Senator to unite and combine all this great, rich, and powerful North in the policy of crippling the resources and repressing the power of the South? Is this to be the one idea which is to mold the policy of the government, when that gentleman and his friends shall control it? If it be, then I appeal to the better feelings and the better judgment of his followers to arrest him in his mad career. Sir, let us have some brief interval of repose at least from this eternal agitation of the slavery question. Let power go into whatever hands it may, let us save the Union!

I have all the confidence other gentlemen can have in the extent to which this Union is intrenched in the hearts of the great mass of the people of the North and South; but when I reflect upon and consider the desperate and dangerous extremes to which ambitious party leaders are often prepared to go, without meaning to do the country any mischief, in the struggle for the imperial power, the crown of the American presidency, I sometimes tremble for its fate.

Two great parties are now dividing the Union on this question. It is evident to every man of sense, who examines it, that practically, in respect to slavery, the result will be the same both to North and South; Kansas will be a free State, no matter what may be the decision on this question. But how that decision may affect the fortunes of those parties, is not certain; and there is the chief difficulty. But the greatest question of all is, How will that decision affect the country as a whole?

Two adverse yet concurrent and mighty forces are driving the vessel of State towards the rocks upon which she must split, unless she receives timely aid — a paradox, yet expressive of a momentous and perhaps a fatal truth.

There is no hope of rescue unless the sober-minded men, both of the North and South, shall, by some sufficient influence, be brought to adopt the wise maxims and sage counsels of the great founders of our government.

TRANS-CONTINENTAL RAILROADS

(Delivered in the United States Senate, February 17th, 1858, in Support of the Pacific Railroad Bill)

AN OBJECTION made to this bill is, the gigantic scale of the projected enterprise. A grand idea it is. A continent of three thousand miles in extent from east to west, reaching from the Atlantic to the Pacific, is to be connected by a railway! Honorable Senators will remember, that over one thousand miles — one-third of this whole expanse of the continent — the work is already accomplished, and that chiefly by private enterprise. I may, as a safe estimate, say, that a thousand miles of this railroad leading from the Atlantic to the West, upon the line of the lakes, and nearly as much upon a line further south, are either completed, or nearly so. We have two thousand miles yet to compass, in the execution of a work which it is said has no parallel in the history of the world. No, sir; it has no parallel in the history of the world, ancient or modern, either as to its extent and magnitude, or to its consequences, beneficent and benignant in all its bearings on the interests of all mankind. It is in these aspects, and in the contemplation of these consequences, that it has no parallel in the history of the world — changing the course of the commerce of the world — bringing the West almost in contact, by reversing the ancient line of communication, with the gorgeous East, and all its riches, the stories of which, in our earlier days we regarded as fabulous; but now, sir, what was held to be merely fictions of the brain in former times, in regard to the riches of Eastern Asia, is almost realized on our own western shores. Sir, these are some of the inducements to the construction of this great road, besides its importance to the military defenses of the country, and its mail communications. Sir, it is a magnificent and splendid project in every aspect in which you can view it. One-third of this great railway connection is accomplished; two-thirds remain to be. Shall we hesitate to go forward with the work?

Now, with regard to the means provided for the construction of the road. It is said, here is an enormous expenditure of the public money proposed. We propose to give twenty millions of dollars in the bonds of the government, bearing five per cent.

interest, and fifteen millions of acres of land, supposed to be worth as much more, on the part of the government. This is said to be enormous, and we are reminded that we ought to look at what the people will say, and how they will feel when they come to the knowledge that twenty millions in money and twenty millions in land have been given for the construction of a railway! Some doubtless there are in this chamber who are ready to contend that we had better give these fifteen millions of acres of land to become homesteads for the landless and homeless. What is this twenty millions in money, and how is it to be paid? It is supposed that the road cannot be constructed in less than five years. In that event, bonds of the government to the amount of four millions of dollars will issue annually. Probably the road will not be built in less than ten years, and that will require an issue of bonds amounting to two millions a year; and possibly the road may not be finished in less than twenty years, which would limit the annual issue of bonds to one million. The interest upon these bonds, at five per cent., will of course have to be paid out of the treasury, a treasury in which there is now a surplus of twelve or fourteen millions of dollars. When the road is completed and the whole amount of twenty millions in lands is paid, making the whole sum advanced by the government forty millions, the annual interest upon them will only be two millions. And what is that? Why, sir, the donations and benevolences, the allowances of claims upon flimsy and untenable grounds, and other extravagant and unnecessary expenditures that are granted by Congress and the executive departments, while you have an overflowing treasury, will amount to the half of that sum annually. The enormous sum of two millions is proposed to be paid out of the treasury annually, when this great road shall be completed! It is a tremendous undertaking, truly! What a scheme! What extravagance! I understand the cost of the New York and Erie road alone, constructed principally by private enterprise, has been not less than thirty millions — between thirty and thirty-three millions of dollars. That work was constructed by a single State giving aid occasionally to a company, which supplied the balance of the cost. I understand that the road from Baltimore to Wheeling, when it shall have been finished, and its furniture placed upon it, will have cost at least thirty millions. What madness, what extravagance, then, is it for the government of the United States to

undertake to expend forty millions for a road from the Mississippi to the Pacific.

Mr. President, one honorable Senator says the amount is not sufficient to induce a capitalist to invest his money in the enterprise. Others, again, say it is far too much; more than we can afford to give for the construction of the work. Let us see which is right. The government is to give twenty millions in all out of the treasury for the road; or we issue bonds and pay five per cent. interest annually upon them, and twenty millions in lands, which, if regarded as money, amounts to a cost to the government of two millions per annum.

What are the objects to be accomplished? A daily mail from the valley of the Mississippi to the Pacific; the free transportation of all troops and munitions of war required for the protection and defense of our possessions on the Pacific; which we could not hold three months in a war either with England or France, without such a road. By building this road we accomplish this further object: This road will be the most effective and powerful check that can be interposed by the government upon Indian depredations and aggressions upon our frontiers or upon each other; the northern tribes upon the southern, and the southern upon the northern. You cut them in two. You will be constantly in their midst, and cut off their intercommunication and hostile depredations. You will have a line of *quasi* fortifications, a line of posts and stations, with settlements on each side of the road. Every few miles you will thus have settlements strong enough to defend themselves against inroads of the Indians, and so constituting a wall of separation between the Indian tribes, composed of a white population, with arms in their hands. This object alone would, perhaps, be worth as much as the road will cost; and when I speak of what the road will be worth in this respect, I mean to say, that besides the prevention of savage warfare, the effusion of blood, it will save millions of dollars to the treasury annually, in the greater economy attained in moving troops and military supplies and preventing hostilities.

. . . . . .

I have been thus particular in noting these things because I want to show where or on which side the balance will be found in the adjustment of the responsibility account between the friends and the opponents of this measure — which will have the heaviest account to settle with the country.

For myself, I am not wedded to this particular scheme. Rather than have no road, I would prefer to adopt other projects. I am now advocating one which I supposed would meet the views of a greater number of Senators than any other. I think great honor is due to Mr. Whitney for having originated the scheme, and having obtained the sanction of the legislatures of seventeen or eighteen States of the Union. Rather than have the project altogether fail, I would be willing to adopt this plan. It may not offer the same advantages for a speedy consummation of the work; but still, we would have a road in prospect, and that would be a great deal. But if gentlemen are to rise here in their places year after year — and this is the fifth year from the time we ought to have undertaken this work — and tell us it is just time to commence a survey, we will never have a road. The honorable Senator from South Carolina [Mr. Butler] says there ought to be some limitation in this idea of progress, when regarded as a spur to great activity and energy, as to what we shall do in our day. He says we have acquired California; we have opened up those rich regions on our western borders, which promises such magnificent results; and he asks, is not that enough for the present generation? Leave it to the next generation to construct a work of such magnitude as this — requiring forty millions of dollars from the government. Mr. President, I have said that if the condition was a road or no road, I would regard one hundred and fifty millions of dollars as well laid out by the government for the work; though I have no idea that it will take such an amount. Eighty or one hundred millions of dollars will build the road.

But with regard to what is due from this generation to itself, or what may be left to the next generation, I say it is for the present generation that we want the road. As to our having acquired California, and opened this new world of commerce and enterprise, and as to what we shall leave to the next generation, I say that, after we of this generation shall have constructed this road, we will, perhaps, not even leave to the next generation the construction of a second one. The present generation, in my opinion, will not pass away until it shall have seen two great lines of railroads in prosperous operation between the Atlantic and Pacific Oceans, and within our own territory, and still leave quite enough to the next generation — the third and fourth great lines of communication between the two extremes of the

continent. One, at least, is due to ourselves, and to the present generation; and I hope there are many within the sound of my voice who will live to see it accomplished. We want that new Dorado, the new Ophir of America, to be thrown open and placed within the reach of the whole people. We want the great cost, the delays, as well as the privations and risks of a passage to California, by the malarious Isthmus of Panama, or any other of the routes now in use, to be mitigated, or done away with. There will be some greater equality in the enjoyment and advantages of these new acquisitions upon the Pacific coast when this road shall be constructed. The inexhaustible gold mines, or placers of California, will no longer be accessible only to the more robust, resolute, or desperate part of our population, and who may be already well enough off to pay their passage by sea, or provide an outfit for an overland travel of two and three thousand miles. Enterprising young men all over the country, who can command the pittance of forty or fifty dollars to pay their railroad fare; heads of families who have the misfortune to be poor, but spirit and energy enough to seek comfort and independence by labor, will no longer be restrained by the necessity of separating themselves from their families, but have it in their power, with such small means as they may readily command, in eight or ten days, to find themselves with their whole households transported and set down in the midst of the gold regions of the West, at full liberty to possess and enjoy whatever of the rich harvest spread out before them their industry and energy shall entitle them to. It will be theirs by as good a title as any can boast who have had the means to precede them. We hear much said of late of the justice and policy of providing a homestead, a quarter section of the public land, to every poor and landless family in the country. Make this road, and you enable every poor man in the country to buy a much better homestead, and retain all the pride and spirit of independence. Gentlemen here may say that the region of California, so inviting, and abundant in gold now, will soon be exhausted, and all these bright prospects for the enterprising poor pass away. No, sir; centuries will pass—ages and ages must roll away before those gold-bearing mountains shall all have been excavated—those auriferous sands and alluvial deposits shall give out all their wealth; and even after all these shall have failed, the beds of the rivers will yield a generous return to the toil of the laborer. . . .

Mr. President, I alluded to the importance of having a communication by railway between the Mississippi River and the Pacific Ocean, in the event of war with any great maritime Power. I confess that the debates upon the subject of our foreign relations within the last few weeks, if all that was said had commanded my full assent, would have dissipated very much the force of any argument which I thought might be fairly urged in favor of this road as a necessary work for the protection and security of our possessions on the Pacific coast. We now hear it stated, and reiterated by grave and respectable and intelligent Senators, that there is no reason that any one should apprehend a war with either Great Britain or France. Not now, nor at any time in the future; at all events, unless there shall be a total change in the condition, social, political, and economical, of those Powers, and especially as regards Great Britain. All who have spoken agree that there is no prospect of war. None at all. I agree that I can see nothing in the signs of the times which is indicative of immediate and certain war. Several gentlemen have thrown out the idea that we hold the bond of Great Britain to keep the peace, with ample guarantees and sureties, not only for the present time, but for an indefinite time; and as long as Great Britain stands as an independent monarchy. These sureties and guarantees are said to consist in the discontented and destitute class of her population, of her operatives and laborers, and the indispensable necessity of the cotton crop of the United States in furnishing them with employment and subsistence, without which it is said she would be torn with internal strife.

I could tell gentlemen who argue in that way, that we have another guarantee that Great Britain will not break with the United States for any trivial cause, which they have not thought proper to raise. We may threaten and denounce and bluster as much as we please about British violations of the Clayton and Bulwer treaty, and the Mosquito protectorate, about the assumption of territorial dominion over the Balize or British Honduras, and the new colony of the Bay Islands; and Great Britain will negotiate, explain, treat, and transgress, and negotiate again, and resort to any device, before she will go to war with us, as long as she can hope to prolong the advantages to herself of the free-trade policy now established with the United States. It is not only the cotton crop of America which she covets, but it is the

rich market for the products of her manufacturing industry, which she finds in the United States; and this has contributed as much as any other cause to improve the condition of her operatives, and impart increased prosperity to her trade and revenue. As long as we think proper to hold to our present commercial regulations, I repeat that it will require very great provocation on our part to force Great Britain into a war with the United States. . . .

As for this road, we are told at every turn that it is ridiculous to talk of war in connection with it, for we will have no wars except those with the Indians. Both England and France dare not go to war with us. I say this course of argument is not only unwise and delusive, but if such sentiments take hold on the country, they will be mischievous; they will almost to a certainty lead to a daring and reckless policy on our part; and as each government labors under a similar delusion as to what the other will not dare to do, what is more probable than that both may get into such a position — the result of a mutual mistake — that war must ensue? It is worth while to reflect upon the difference between the policy of Great Britain and this country in her diplomatic correspondence and debates in Parliament. When we make a threat, Great Britain does not threaten in turn. We hear of no gasconade on her part. If we declare that we have a just right to latitude 54° 40′, and will maintain our right at all hazard, she does not bluster, and threaten, and declare what she will do, if we dare to carry out our threat. When we talk about the Mosquito king, of Balize, and of the Bay Islands, and declare our determination to drive her from her policy and purposes in regard to them, we do not hear of an angry form of expression from her. We employed very strong language last year in regard to the rights of American fishermen; but the reply of Great Britain scarcely assumed the tone of remonstrance against the intemperate tone of our debates. Her policy upon all such occasions is one of wisdom. Her strong and stern purpose is seldom to be seen in her diplomatic intercourse, or in the debates of her leading statesmen; but if you were about her dock-yards, or in her foundries, or her timber-yards, and her great engine manufactories, and her armories, you would find some bustle and stir. There, all is life and motion.

I have always thought that the proper policy of this country is to make no threats — to make no parade of what we intend to

do. Let us put the country in a condition to defend its honor and interests; to maintain them successfully whenever they may be assailed; no matter by what Power, whether by Great Britain, or France, or both combined. Make this road; complete the defenses of the country, of your harbors, and navy yards; strengthen your navy — put it upon an efficient footing; appropriate ample means for making experiments to ascertain the best model of ships-of-war, to be driven by steam or any other motive power; the best models of the engines to be employed in them; to inquire whether a large complement of guns, or a few guns of great calibre, is the better plan. We may well, upon such questions, take a lesson from England. At a recent period she has been making experiments of this nature, in order to give increased efficiency to her naval establishment. How did she set about it? Her Admiralty Board gave orders for eleven of the most perfect engines that could be built by eleven of the most skillful and eminent engine-builders in the United Kingdom, without limit as to the cost, or any other limitation, except as to class or size. At the same time orders were issued for the building of thirteen frigates of a medium class by thirteen of the most skillful shipbuilders in the kingdom, in order to ascertain the best models, the best running lines, and the best of every other quality desirable in a war vessel. This is the mode in which Great Britain prepares for any contingencies which may arise. She cannot tell when they may occur, yet she knows that she has no immunity from those chances which, at some time or other, are seen to happen to all nations. In my opinion, the construction of this road from the Mississippi to the Pacific is essential to the protection and safety of this country, in the event of a war with any great maritime Power. It may take ten years to complete it; but every hundred miles of it, which may be finished before the occurrence of war, will be just so much gained — so much added to our ability to maintain our honor in that war. In every view of this question I can take, I am persuaded that we ought at least prepare to commence the work, and do it immediately.

JUDAH PHILIP BENJAMIN

(1811–1884)

JUDAH P. BENJAMIN, the "Beaconsfield of the Confederacy," was born at St. Croix in the West Indies, where his parents, a family of English-Jews, on their way to settle in New Orleans, were delayed by the American measures against intercourse with England. In 1816 his parents brought him to Wilmington, North Carolina, where, and at Yale College, he was educated. Not until after he was ready to begin life at the bar, did he reach New Orleans, the destination for which his parents had set out before he was born. In New Orleans, after a severe struggle, he rose to eminence as a lawyer, and his firm, of which Mr. Slidell was a partner, was the leading law firm of the State. He was elected to the United States Senate as a Whig in 1852 and re-elected as a Democrat in 1859. With Mr. Slidell, who was serving with him in the Senate, he withdrew in 1861 and became Attorney-General in the Confederate cabinet. He was afterwards made Secretary of War, but as the Confederate congress censured him in that position he resigned it and Mr. Davis immediately appointed him Secretary of State. After the close of the war, when pursuit after members of the Confederate cabinet was active, he left the coast of Florida in an open boat and landed at the Bahamas, taking passage thence to London where he rose to great eminence as a lawyer. He was made Queen's Counsel, and on his retirement from practice, because of ill health, in 1883, a farewell banquet was given him by the bar in the hall of the Inner Temple, probably the most notable compliment paid in England to any orator since the banquet to Berryer. He died in 1884.

Benjamin was called the "brains of the Confederacy" and in acuteness of intellect he probably surpassed most men of his time. He resembled Disraeli in this as well as in being a thorough-going believer in an aristocratic method of government rather than in one based on universal suffrage and the will of the masses determined by majority vote.

FAREWELL TO THE UNION

(On Leaving the United States Senate in 1861)

MR. PRESIDENT, if we were engaged in the performance of our accustomed legislative duties, I might well rest content with the simple statement of my concurrences in the remarks just made by my colleague [Mr. Slidell]. Deeply impressed, however, with the solemnity of the occasion, I cannot remain insensible to the duty of recording, among the authentic reports of your proceedings, the expression of my conviction that the State of Louisiana has judged and acted well and wisely in this crisis of her destiny.

Sir, it has been urged, on more than one occasion, in the discussions here and elsewhere, that Louisiana stands on an exceptional footing. It has been said that whatever may be the rights of the States that were original parties to the Constitution,—even granting their right to resume, for sufficient cause, those restricted powers which they delegated to the general government in trust for their own use and benefit,—still Louisiana can have no such right, because she was acquired by purchase. Gentlemen have not hesitated to speak of the sovereign States formed out of the territory ceded by France as property bought with the money of the United States, belonging to them as purchasers; and, although they have not carried their doctrine to its legitimate results, I must conclude that they also mean to assert, on the same principle, the right of selling for a price that which for a price was bought.

I shall not pause to comment on this repulsive dogma of a party which asserts the right of property in free-born white men, in order to reach its cherished object of destroying the right of property in slave-born black men—still less shall I detain the Senate in pointing out how shadowy the distinction between the condition of the servile African and that to which the white freeman of my State would be reduced, if it, indeed, be true that they are bound to this government by ties that cannot be legitimately dissevered without the consent of that very majority which wields its powers for their oppression. I simply deny the fact on which the argument is founded. I deny that the province of Louisiana, or the people of Louisiana, were ever

conveyed to the United States for a price as property that could be bought or sold at will. Without entering into the details of the negotiation, the archives of our State Department show the fact to be, that although the domain, the public lands, and other property of France in the ceded province, were conveyed by absolute title to the United States, the sovereignty was not conveyed otherwise than in trust.

A hundredfold, sir, has the Government of the United States been reimbursed by the sales of public property, of public lands, for the price of the acquisition; but not with the fidelity of the honest trustee has it discharged the obligations as regards the sovereignty.

I have said that the government assumed to act as trustee or guardian of the people of the ceded province, and covenanted to transfer to them the sovereignty thus held in trust for their use and benefit, as soon as they were capable of exercising it. What is the express language of the treaty?

«The inhabitants of the ceded territory shall be incorporated in the Union of the United States, and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyments of all rights, advantages, and immunities of citizens of the United States; and in the meantime they shall be maintained and protected in the enjoyment of their liberty, property, and the religion which they profess.»

And, sir, as if to mark the true nature of the cession in a manner too significant to admit of misconstruction, the treaty stipulates no price; and the sole consideration for the conveyance, as stated on its face, is the desire to afford a strong proof of the friendship of France for the United States. By the terms of a separate convention stipulating the payment of a sum of money, the precaution is again observed of stating that the payment is to be made, not as a consideration or a price or a condition precedent of the cession, but it is carefully distinguished as being a consequence of the cession. It was by words thus studiously chosen, sir, that James Monroe and Thomas Jefferson marked their understanding of a contract now misconstrued as being a bargain and sale of sovereignty over freemen. With what indignant scorn would those stanch advocates of the inherent right of self-government have repudiated the slavish doctrine now deduced from their action!

How were the obligations of this treaty fulfilled? That Louisiana at that date contained slaves held as property by her people through the whole length of the Mississippi Valley, that those people had an unrestricted right of settlement with their slaves under legal protection throughout the entire ceded province, no man has ever yet had the hardihood to deny. Here is a treaty promise to protect their property — their slave property — in that Territory, before it should become a State. That this promise was openly violated, in the adjustment forced upon the South at the time of the admission of Missouri, is a matter of recorded history. The perspicuous and unanswerable exposition of Mr. Justice Catron, in the opinion delivered by him in the Dred Scott case, will remain through all time as an ample vindication of this assertion.

If then, sir, the people of Louisiana had a right, which Congress could not deny, of the admission into the Union with all the rights of all the citizens of the United States, it is in vain that the partisans of the right of the majority to govern the minority with despotic control, attempt to establish a distinction, to her prejudice, between her rights and those of any other State. The only distinction which really exists is this, that she can point to a breach of treaty stipulations expressly guaranteeing her rights, as a wrong superadded to those which have impelled a number of her sister States to the assertion of their independence.

The rights of Louisiana as a sovereign State are those of Virginia; no more, no less. Let those who deny her right to resume delegated powers successfully refute the claim of Virginia to the same right, in spite of her express reservation made and notified to her sister States when she consented to enter the Union! And, sir, permit me to say that, of all the causes which justify the action of the Southern States, I know none of greater gravity and more alarming magnitude than that now developed of the right of secession. A pretension so monstrous as that which perverts a restricted agency constituted by sovereign States for common purposes, into the unlimited despotism of the majority, and denies all legitimate escape from such despotism, when powers not delegated are usurped, converts the whole constitutional fabric into the secure abode of lawless tyranny, and degrades sovereign States into provincial dependencies.

It is said that the right of secession, if conceded, makes of our government a mere rope of sand; that to assert its existence

imputes to the framers of the Constitution the folly of planting the seeds of death in that which was designed for perpetual existence. If this imputation were true, sir, it would merely prove that their offspring was not exempt from that mortality which is the common lot of all that is not created by higher than human power. But it is not so, sir. Let facts answer theory. For two-thirds of a century this right has been known by many of the States to be, at all times, within their power. Yet, up to the present period, when its exercise has become indispensable to a people menaced with absolute extermination, there have been but two instances in which it has been even threatened seriously; the first, when Massachusetts led the New England States in an attempt to escape from the dangers of our last war with Great Britain; the second, when the same State proposed to secede on account of the admission of Texas as a new State into the Union.

Sir, in the language of our declaration of secession from Great Britain, it is stated as an established truth, that "all experience has shown that mankind are more disposed to suffer while evils are sufferable than to right themselves by abolishing the forms to which they have been accustomed"; and nothing can be more obvious to the calm and candid observer of passing events than that the disruption of the Confederacy has been due, in a great measure, not to the existence, but to the denial of this right. Few candid men would refuse to admit that the Republicans of the North would have been checked in their mad career had they been convinced of the existence of this right, and the intention to assert it. The very knowledge of its existence by preventing occurrences which alone could prompt its exercise would have rendered it a most efficient instrument in the preservation of the Union. But, sir, if the fact were otherwise — if all the teachings of experience were reversed — better, far better, a rope of sand, aye, the flimsiest gossamer that ever glistened in the morning dew, than chains of iron and shackles of steel; better the wildest anarchy, with the hope, the chance, of one hour's inspiration of the glorious breath of freedom, than ages of the hopeless bondage and oppression to which our enemies would reduce us.

We are told that the laws must be enforced; that the revenues must be collected; that the South is in rebellion without cause, and that her citizens are traitors.

Rebellion! the very word is a confession; an avowal of tyranny, outrage, and oppression. It is taken from the despot's

code, and has no terror for others than slavish souls. When, sir, did millions of people, as a single man, rise in organized, deliberate, unimpassioned rebellion against justice, truth, and honor? Well did a great Englishman exclaim on a similar occasion:—

"You might as well tell me that they rebelled against the light of heaven, that they rejected the fruits of the earth. Men do not war against their benefactors; they are not mad enough to repel the instincts of self-preservation. I pronounce fearlessly that no intelligent people ever rose, or ever will rise, against a sincere, rational, and benevolent authority. No people were ever born blind. Infatuation is not a law of human nature. When there is a revolt by a free people, with the common consent of all classes of society, there must be a criminal against whom that revolt is aimed."

Traitors! Treason! Ay, sir, the people of the South imitate and glory in just such treason as glowed in the soul of Hampden; just such treason as leaped in living flame from the impassioned lips of Henry; just such treason as encircles with a sacred halo the undying name of Washington.

You will enforce the laws. You want to know if we have a government; if you have any authority to collect revenue; to wring tribute from an unwilling people? Sir, humanity desponds, and all the inspiring hopes of her progressive improvement vanish into empty air at the reflections which crowd on the mind at hearing repeated, with aggravated enormity, the sentiments against which a Chatham launched his indignant thunders nearly a century ago. The very words of Lord North and his royal master are repeated here in debate, not as quotations, but as the spontaneous outpourings of a spirit the counterpart of theirs.

In Lord North's speech on the destruction of the tea in Boston harbor, he said:—

"We are no longer to dispute between legislation and taxation; we are now only to consider whether or not we have any authority there. It is very clear we have none, if we suffer the property of our subjects to be destroyed. We must punish, control, or yield to them."

And thereupon he proposed to close the port of Boston, just as the representatives of Massachusetts now propose to close the port of Charleston, in order to determine whether or not you have any authority there. It is thus that, in 1861, Boston is to pay her debt of gratitude to Charleston, which, in the days of

her struggle, proclaimed the generous sentiment that "the cause of Boston was the cause of Charleston." Who, after this, will say that republicans are ungrateful? Well, sir, the statesmen of Great Britain answered to Lord North's appeal, "yield." The courtiers and the politicians said, "punish," "control." The result is known. History gives you the lesson. Profit by its teachings!

So, sir, in the address sent under the royal sign-manual to Parliament, it was invoked to take measures "for better securing the execution of the laws," and it acquiesced in the suggestion. Just as now, a senile executive, under the sinister influence of insane counsels, is proposing, with your assent, "to secure the better execution of the laws," by blockading ports and turning upon the people of the States the artillery which they provided at their own expense for their own defense, and intrusted to you and to him for that and for no other purpose — nay, even in States that are now exercising the undoubted and most precious rights of a free people; where there is no secession; where the citizens are assembling to hold peaceful elections for considering what course of action is demanded in this dread crisis by a due regard for their own safety and their own liberty; aye, even in Virginia herself, the people are to cast their suffrages beneath the undisguised menaces of a frowning fortress. Cannon are brought to bear on their homes, and parricidal hands are preparing weapons for rending the bosom of the mother of Washington.

Sir, when Great Britain proposed to exact tribute from your fathers against their will, Lord Chatham said:—

"Whatever is a man's own is absolutely his own; no man has a right to take it from him without his consent. Whoever attempts to do it attempts an injury. Whoever does it commits a robbery. You have no right to tax America. I rejoice that America has resisted.

"Let the sovereign authority of this country over the colonies be asserted in as strong terms as can be devised, and be made to extend to every point of legislation whatever, so that we may bind their trade, confine their manufactures, and exercise every power, except that of taking money out of their own pockets without their consent."

It was reserved for the latter half of the nineteenth century, and for the Congress of a Republic of free men, to witness the willing abnegation of all power, save that of exacting tribute.

What imperial Britain, with the haughtiest pretensions of unlimited power over dependent colonies, could not even attempt without the vehement protest of her greatest statesmen, is to be enforced in aggravated form, if you can enforce it, against independent States.

Good God, sir! since when has the necessity arisen of recalling to American legislators the lessons of freedom taught in lisping childhood by loving mothers; that pervade the atmosphere we have breathed from infancy; that so form part of our very being, that in their absence we would lose the consciousness of our own identity? Heaven be praised that not all have forgotten them; that when we shall have left these familiar halls, and when force bills, blockades, armies, navies, and all the accustomed coercive appliances of despots shall be proposed and advocated, voices shall be heard from this side of the chamber that will make its very roof resound with the indignant clamor of outraged freedom. Methinks I still hear ringing in my ears the appeal of the eloquent Representative [Hon. George H. Pendleton, of Ohio], whose Northern home looks down on Kentucky's fertile borders: «Armies, money, blood cannot maintain this Union; justice, reason, peace may.»

And now to you, Mr. President, and to my brother Senators, on all sides of this chamber, I bid a respectful farewell; with many of those from whom I have been radically separated in political sentiment, my personal relations have been kindly, and have inspired me with a respect and esteem that I shall not willingly forget; with those around me from the Southern States I part as men part from brothers on the eve of a temporary absence, with a cordial pressure of the hand and a smiling assurance of the speedy renewal of sweet intercourse around the family hearth. But to you, noble and generous friends, who, born beneath other skies, possess hearts that beat in sympathy with ours; to you, who, solicited and assailed by motives the most powerful that could appeal to selfish natures, have nobly spurned them all; to you, who, in our behalf, have bared your breasts to the fierce beatings of the storm, and made willing sacrifice of life's most glittering prizes in your devotion to constitutional liberty; to you, who have made our cause your cause, and from many of whom I feel I part forever, what shall I, can I say? Naught, I know and feel, is needed for myself; but this I will say for the people in whose name I speak to-day:

whether prosperous or adverse fortunes await you, one priceless treasure is yours—the assurance that an entire people honor your names, and hold them in grateful and affectionate memory. But with still sweeter and more touching return shall your unselfish devotion be rewarded. When, in after days, the story of the present shall be written, when history shall have passed her stern sentence on the erring men who have driven their unoffending brethren from the shelter of their common home, your names will derive fresh lustre from the contrast; and when your children shall hear repeated the familiar tale, it will be with glowing cheek and kindling eye; their very souls will stand a-tiptoe as their sires are named, and they will glory in their lineage from men of spirit as generous and of patriotism as high-hearted as ever illustrated or adorned the American Senate.

SLAVERY AS ESTABLISHED BY LAW

(Delivered in the United States Senate, March 11th, 1858)

EXAMINE your Constitution; are slaves the only species of property there recognized as requiring peculiar protection? Sir, the inventive genius of our brethren of the North is a source of vast wealth to them and vast benefit to the nation. I saw a short time ago in one of the New York journals, that the estimated value of a few of the patents now before us in this capitol for renewal was $40,000,000. I cannot believe that the entire capital invested in inventions of this character in the United States can fall short of one hundred and fifty or two hundred million dollars. On what protection does this vast property rest? Just upon that same constitutional protection which gives a remedy to the slave-owner when his property is also found outside of the limits of the State in which he lives.

Without this protection what would be the condition of the Northern inventor? Why, sir, the Vermont inventor protected by his own law would come to Massachusetts, and there say to the pirate who had stolen his property, "Render me up my property, or pay me value for its use." The Senator from Vermont would receive for answer, if he were the counsel of this Vermont inventor: "Sir, if you want protection for your property go to your own State; property is governed by the laws of the State within whose jurisdiction it is found; you have no property in your

invention outside of the limits of your State; you cannot go an inch beyond it." Would not this be so? Does not every man see at once that the right of the inventor to his discovery, that the right of the poet to his inspiration, depends upon those principles of eternal justice which God has implanted in the heart of man; and that wherever he cannot exercise them, it is because man, faithless to the trust that he has received from God, denies them the protection to which they are entitled?

Sir, follow out the illustration which the Senator from Vermont himself has given; take his very case of the Delaware owner of a horse riding him across the line into Pennsylvania. The Senator says, "Now you see that slaves are not property, like other property; if slaves were property like other property, why have you this special clause in your Constitution to protect a slave? You have no clause to protect a horse, because horses are recognized as property everywhere." Mr. President, the same fallacy lurks at the bottom of this argument, as of all the rest. Let Pennsylvania exercise her undoubted jurisdiction over persons and things within her own boundary, let her do as she has a perfect right to do—declare that hereafter, within the State of Pennsylvania, there shall be no property in horses, and that no man shall maintain a suit in her courts for the recovery of property in a horse, and where will your horse owner be then? Just where the English poet is now; just where the slaveholder and the inventor would be if the Constitution, foreseeing a difference of opinion in relation to rights in these subject-matters, had not provided the remedy in relation to such property as might easily be plundered. Slaves, if you please, are not property like other property in this, that you can easily rob us of them; but as to the right in them, that man has to overthrow the whole history of the world, he has to overthrow every treatise on jurisprudence, he has to ignore the common sentiment of mankind, he has to repudiate the authority of all that is considered sacred with man, ere he can reach the conclusion that the person who owns a slave, in a country where slavery has been established for ages, has no other property in that slave than the mere title which is given by the statute law of the land where it is found.

740
13

This book should be returned to the Library on or before the last date stamped below.

A fine of five cents a day is incurred by retaining it beyond the specified time.

Please return promptly.

FEB 23 1936

DUE [redacted]

DUE NOV 1 '39

DUE NOV 15 '36

FEB 20 1936

DUE MAR 26 '36

DUE NOV 30 '36

DUE [redacted]

[redacted]

DUE APR - 7 '49

DUE APR 11 '50

3 2044 090 377 276